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ABSTRACT

This handbook provides information on Colorado's charter-school program. It explains the process for establishing charter schools and discusses the purpose these schools serve. Information on how to apply for a charter is given and includes the required elements of a charter application, such as goals and objectives, educational program and standards, plan for evaluation and performance, proposed budget, waivers, and governance and operation. Other considerations for applicants, such as the length of the charter, the charter-school site, the grounds for denying a charter application, food service, and what is required for special education are also provided. The guide features a summary of Colorado's regulations for schools in the state, along with a list of federal statutes that affect the establishment of charter schools. Information on organizational and resource persons and additional resources and research information are listed. Nine appendices feature further details on the Colorado Charter Schools Act, a list of charter schools in the state, ways to understand school finance, rules for the administration of the waiver statute, state board appeal procedures, order forms, timelines for Colorado Student Assessment Program, allocating state-administered funds to charters, and Colorado's Basic Literacy Act. (RJM)

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Colorado Charter School Information Packet and Handbook

The Colorado Charter Schools Act of 1993

Sixth Edition - September 1998

William J. Moloney, Commissioner of Education

Editor: William Windler

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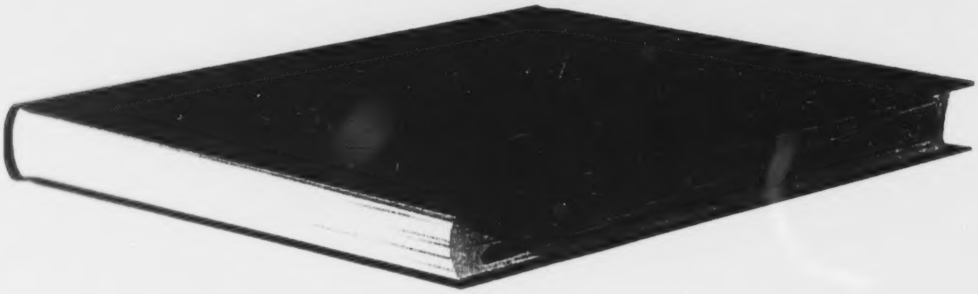


What Is a Charter School?

A charter school in Colorado is a public school operated by a group of parents, teachers and/or community members as a semi-autonomous school of choice within a school district, operating under a contract or "charter" contract between the members of the charter school community and the local board of education.

In a charter school, each student, parent and teacher chooses to be there. The "charter," as defined in the Charter Schools Act (Sections 22-30.5-101 et. seq. C.R.S.), spells out the school goals, standards, education design, governance and operations. The degree of autonomy to be exercised by the charter school on such issues as personnel, curriculum and facilities is negotiated between the charter applicants and the local school district and reflected in the charter. School-centered governance, autonomy, and a clear design for how and what students will learn are the essential characteristics of a charter school.

Under Colorado law, a charter school is not a separate legal entity independent of the school district, but rather is a public school defined uniquely by a charter and partially autonomous while remaining within the school district. The approved charter application and accompanying agreements are the charter which serve as a contract between the charter school and the local board of education.

The Purposes for Having Charter Schools in Colorado

In authorizing charter schools, the General Assembly created an avenue for parents, teachers, and community members "to take responsible risks and create new, innovative, more flexible ways of educating all children within the public school system."

"Different pupils learn differently," notes the act. The act seeks the creation of schools with "high, rigorous standards for pupil performance," with special emphasis on expanded opportunities for low-achieving students. The General Assembly sought "to create an atmosphere in Colorado's public schools where research and development in developing different learning opportunities is actively pursued."

Charter schools are a means of expanding choices in Colorado public schools. The charter process provides an avenue for educators, citizens, businesses, communities and parents to direct their innovative efforts. Charter schools offer teachers a chance to be part of designing and working in semi-autonomous, creative schools under defined philosophical approaches.

The Charter Schools Act

Where are we?

A number of the stated purposes of the Colorado Charter Schools Act have already come into fruition. Specifically, charter schools in Colorado have increased the number of public school choices available for parents, students, and teachers. As of September 1, 1998, sixty charter schools are operating in Colorado.

Many districts are now viewing charter schools, and in a broader sense, all schools of choice as a key tool to implementing Colorado's Standards Based Education initiative.

In one big sweep, a charter school can create a delivery system that individualizes and customizes education to meet the needs of an increasingly diverse society. As academic standards become more rigorous and the expectation that more students must meet those standards increases; time, resources, and instructional strategies must be utilized differently to enable more children to meet the higher standards.

Therefore, charter schools become another tool, an opportunity for districts in Colorado to use in meeting the academic content standards which have now been set in mathematics, reading, writing, science, geography, and history. Charter schools are being viewed as one of a district's educational options from which students and parents may choose. Charter schools are beginning to deliver an educational program that will assist school districts in meeting the academic content standards which have been set for a very diverse student population. Most charter schools are becoming a real asset to public education.

Implementation of the Colorado Charter Schools Act will be an evolving process. Many questions will arise that are not specifically addressed by the law. Charter applicants, district staff, local boards of education, legislators, the State Board of Education, Colorado Department of Education staff, and others will need to work in partnership to find creative solutions to the questions and issues which will surface from time to time in fine tuning Colorado's Charter Schools Act.

Applying for a Charter

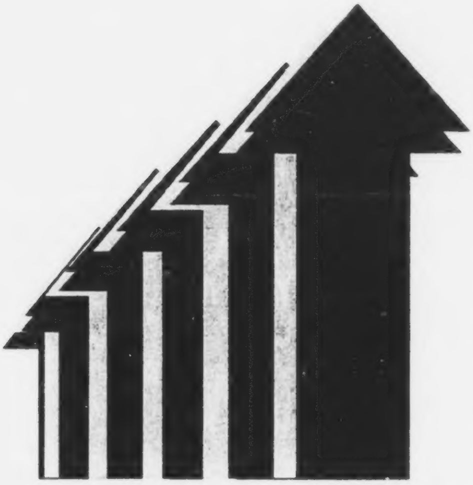
Writing a Charter Application? Suggested Steps:

1. Contact Bill Windler at the Colorado Department of Education, phone 303-866-6631 or via E-mail at: Windler_W@cde.state.co.us and ask for a copy of the Guidebook to Colorado Charter Schools: Key Issues for Start-up and Implementation of Charter Schools. This is a comprehensive document including such items as: sample applications, budgets, charter/district contracts, employment contracts, governance policies, bylaws, staff evaluation instruments, mission and philosophy statements, strategic planning, student assessments, and waiver procedures. **This document is a must and free to Colorado residents writing charter applications and to existing charter school directors.** For all others there is a fee of $30.00.

2. On the Internet go to: **http://www.cde.state.co.us/charter htm** and **www.uscharterschools.org** Both sites contain vast resources for charter school developers and operators.

3. Contact Brett Lane at the Northwest Regional Education Laboratory in Portland, Oregon, for a copy of their **Charter Schools Leadership Training Academy Workbook**. It is a great supplement to the Guidebook to Colorado Charter Schools. Brett's phone number is 1-800-547-6339.

Any group of parents, teachers and/or community members may develop a charter application. A minimum size is not defined in the charter school law. The school must be nonsectarian and non-home-based. Applications may not be submitted to convert an existing private school or non-public home-based educational program into a charter school.



A charter application must be submitted to the local school board by October 1 to be eligible for consideration for the following school year. The charter applicant and local school board may jointly waive any timelines set forth in the Colorado Charter Schools Act. The school district may establish local procedures for submitting and considering applications, but may not charge an application fee. An approved charter application must serve as the basis for a contract between the charter school and the school board.

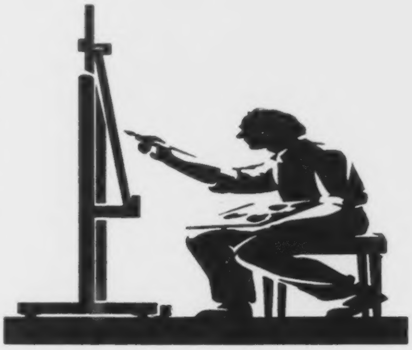
Before the school board formally approves or denies the application, it must first be reviewed by the district accountability advisory committee pursuant to the district's guidelines. The school board must also hold a series of community meetings, and then, within 60 days after receiving the formal application, make a decision about granting a charter. ***It is the charter applicants responsibility to obtain a copy of the district's application procedures from the administrative office of the school district.***

The application process should consist of a series of meetings, dialogues and negotiations between the applicants and appropriate district staff and school board members. The open sharing of information and ideas between all parties is essential to the process and the development of a successful charter school. Early, informal discussions between the applicant and the school district are highly encouraged before the official application is submitted to the local board. This may help in the development of a quality and successful application. In the best case scenario, most issues can be informally resolved before the official application is submitted to the district and the short 60 day statutory review process and timeline begin. All new charter schools must be approved for at least three years, but not more than five years.

The governing body of an existing charter school must submit its renewal application to the local board of education no later than December 1 prior to the year in which the charter expires.

Whether the charter is denied, approved, or revoked, *an appeal process to the State Board of Education is provided* (Appendix E) pursuant to Section 22-30.5-108 C.R.S. The State Board may also, upon its own motion, decide to review any charter decision of a local board of education. Under the act, the State Board has the authority to direct the local board to grant, deny, or revoke the charter. The timelines for the consideration and appeal processes are built into the act.

The Charter Application

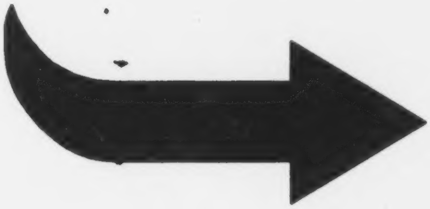


At the heart of the charter is a clear statement of mission, goals, philosophy, values and principles which serve to guide the creation and operation of the learning environment and the school community. A charter school must be clear on what it is about. The charter should be developed as the result of **effective, research-based methods and strategies**. The charter school should implement innovative strategies and proven methods for improving student achievement, such as the Core Knowledge Sequence, which are developed around state and local academic content standards. State (CSAP) and local standards-based assessments also need to be incorporated into the school's program.

Teaching methodologies, school management, and governance should be based on reliable research and effective practices as well. The charter should embody a comprehensive design for effective school functioning, including *instruction, assessment, classroom management, professional development, parental involvement, and school management, that aligns the school's curriculum, technology, and professional development into an implementation plan.*

A charter application also contains elements similar to a small business plan. The application describes the school design and spells out mutual agreements among the charter applicants, the school board and other parties regarding such issues as: budget, employment, contracted services, governance, facilities, special education, content standards, curriculum, and assessment of students.

Required Elements of a Charter Application



The school's vision should be developed first. It should drive the charter and all procedural issues.

The following elements must be in the charter application.
Pursuant to Section 22-30.5-106 of the Charter Schools Act

1. Mission statement. A mission is a statement of purpose. Primary goals and primary means for achieving those goals should be clearly articulated. A charter school's program must be consistent with the purposes set forth in 22-30.5-102 C.R.S. In summary, all charter schools should:

- Reflect high expectations and create conditions where these expectations can be met;

- Provide situations where education decisions are made by those educators and parents who know the students best and who are responsible for implementing the decisions;
- Be designed to fit the needs of individual pupils;
- Improve academic achievement for students, especially in the basics of reading, writing, and mathematics by creating schools with high, rigorous academic standards for pupil performance;
- Encourage diverse approaches to education and the use of different, proven, or innovative teaching methods based upon reliable research;
- Participate in the Colorado Student Assessment Program (CSAP) and allow for the development of additional forms of measuring pupil performance;
- Create new professional opportunities for teachers;
- Provide parents and teachers with expanded choices in the types of educational opportunities that are available within the public school system;
- Encourage parental and community involvement with public schools; and
- Provide a method to enhance accountability systems in public schools.

2. Goals and objectives. The application should spell out the general goals and objectives for the school. The application should describe the role of students, parents, teachers, the accountability committee, and others in setting goals, developing plans, and in analyzing progress. Note: This should be done in conjunction with defining the charter school's governance structure. In other words, define how decisions will be made in the school.

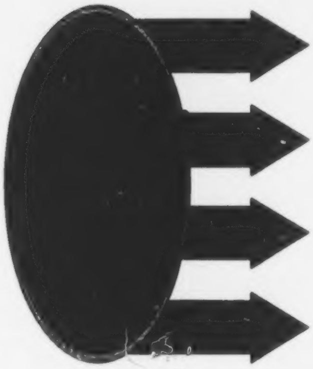
Good planning involves answering the following questions in both the developmental and operational phases of the charter school:

Who are we? (demographics) For example, describe the size of the proposed school, age and grade levels to be served, socioeconomic status of the community to be served, and any other school/community characteristics which may influence the school.

Where did we begin? (baseline data and profile) Describe in the application how baseline data will be gathered so that future growth can be measured. For example, the charter school should be able to know and document over time what percent of the students are meeting the adopted academic content standards as measured by CSAP.

Where are we going? (goals and objectives) These are the broad and measurable goals set by the school in the application. They describe how students will be expected to perform on CSAP, for example. These are generally updated on an annual basis along with implementation strategies after the careful examination of current baseline data and profile information. This is an evolving process.

How do we get there? (activities/methods) Describe the structure and design of the school, its educational programs, and effective school practices. Again, these may change over time given current needs as reflected in the baseline data and profile information.



How do we know we are there? (measurement) Specify the student performance measurements to be used which must include CSAP. A variety of assessment tools should be considered which can provide evidence of progress toward the school's improvement goals.

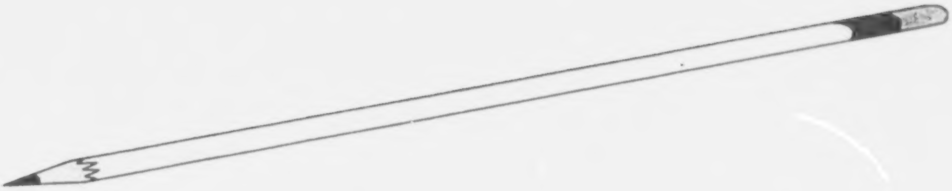
What have we accomplished? (progress report)) Describe the means by which the school reports progress toward its goals. The data contained in this report should be used to satisfy annual accountability and accreditation requirements and can be used to report progress to the local board, which may be useful in renewing the charter, to the state board of education, when renewing waivers from state statute; and for informing parents, students, teachers, and community regarding the success of the charter school.

3. **Evidence of support.** Evidence should be provided, for example, such as letters of intent or petitions, that an adequate number of parents, teachers, pupils, or any combination thereof, support the charter proposal. There is no particular number of supporters or level of support needed to be shown, but support should be related to the size or scope of the proposed school and its budget.

4. **Educational program and standards.** Describe the educational program including the curriculum and content standards. The standards and curriculum should meet or exceed the content standards which have been adopted by the school district under the standards-based education bill, also known as House Bill 93-1313, which is part 4 of the Public School Finance Act (22-53-401 et seq. C.R.S.). Content standards are specific statements of what a student should know or be able to do relative to a particular academic area or areas. Instruction and assessment, in a standards based system, should be aligned with the content standards. Model state content standards and assessments have been developed in reading, writing, mathematics, science, history, and geography to guide local district efforts in adopting standards. These model state content standards are available on CD Rom from the Colorado Department of Education. Phone 303-866-6618 to order a copy on CD Rom, or fill out an order form found later in this document (Appendix F). The district content standards are available in each school district's administration office.

A charter school must be able to document how it is meeting or exceeding the local school district's standards. Two options exist. The charter school may accept the standards and assessments of the district or develop its own standards and assessments which meet or exceed the district standards. The CSAP must be a part of the assessment program, however. This should be clearly articulated in the charter school application and contract.

Under the Colorado Constitution, curriculum and instruction is interpreted to be under the control of the local board of education. Therefore, there are not any statewide curriculum requirements in Colorado, no statewide curriculum guides or courses of study, no state adopted/mandated textbooks, no statewide standards for testing, and no statewide requirements for high school graduation. The state content standards are models. However, the legislature has enacted laws requiring that the history and civil government of Colorado, as well as the history and civil government of the United States (incorporating history, culture, and contributions of minorities, including but not limited to Spanish Americans and American Negroes) be taught in the public schools of the state. The federal Constitution is also to be taught, as well as the honor and use of the flag. In addition, the effect of use of alcohol and controlled substances is to be taught.

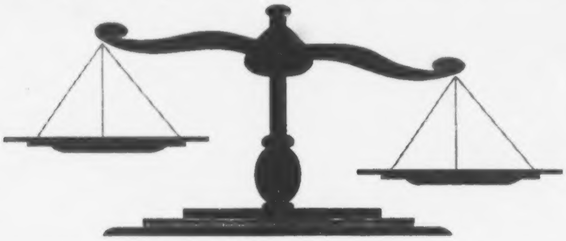


5. **Plan for evaluating pupil performance.** Describe how pupil performance will be evaluated, including the types of assessments to be used and timelines. A good assessment program must include the CSAP and other appropriate assessment tools. CSAP timelines are included as Appendix G. Also describe your proposed plans for using the pupil performance information in improving the school to insure that the academic content standards will be met. The chartering school board and Colorado Department of Education must receive reports on charter school performance.

As mentioned earlier, Charter schools are subject to the **Colorado Student Assessment Program (CSAP)**. This program is being phased in by grade (Appendix G). CSAP is aligned with the model state content standards. Contact the Colorado Department of Education's Assessment Office at 303-866-6664 for detailed information regarding this program.

In addition, charter schools are subject to the **Colorado Basic Literacy Act** (Appendix I). This law mandates that all students will be *reading on the third grade level by the end of the third grade and* ***before*** *they can move on to a fourth grade reading class.* This law requires that the reading growth of all students be monitored carefully from kindergarten through third grade. Students not reading on that grade level must be placed on *Individual Literacy Plans*! CSAP will be an integral part of this process. All third graders are required to participate in the state reading program and test which is a part of CSAP. For more information call Stevi Quate at CDE. Her telephone number is 303-866-6634.

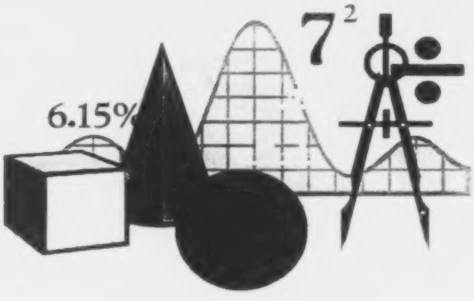
Evaluation and Accountability Requirements for Charter Schools Charter schools must be accountable. Levels of accountability for a charter school include the students and their parents, the governing body of the school, the school accountability committee, the local board of education, the state board of education, and the legislature. A charter school is market and politically dependent. If a charter school cannot attract enough students to operate, it will go out of business. Likewise, if the charter school violates the terms and conditions of its contract, the charter can be revoked by the local board, and under certain conditions, by the state board of education. The Colorado Department of Education is required to report annually to the legislature on the status of Colorado's charter schools.



There are several formal evaluation and accountability requirements for charter schools.

a. The Colorado Department of Education's accountability and accreditation requirements apply to all public schools, including charter schools. As a part of these requirements, student academic growth must be measured, using minimally CSAP, to determine if the stated goals and objectives for student achievement are being met. These procedures require the collection of multiple forms of data which are used as the basis for reporting results to students, staff, parents, community, local board of education, and the Colorado Department of Education. This same data can be used for the renewal or nonrenewal of the charter by the local board and the renewal or nonrenewal of waivers from state statute which have been granted by the state board of education.

Educational accountability is holding ourselves (students, parents, educators, and community members) responsible for assuring that students meet identified academic content standards through a continuous cycle of planning, evaluation, and reporting. This has been traditionally accomplished through an accountability committee made up of students, teachers, parents, and community members. The committee should be representative of the community served by the charter school. The accountability committee thoroughly examines multiple sources of information to determine how successfully the school is operating and how students are achieving academically.



Each school reports its progress in achieving the adopted goals and objectives to the public, parents, district accountability committee, and the board of education in an annual year-end report.

Charter schools are encouraged to consider becoming Commissioner's Challenger Schools, the first step in the process to qualifying to become a Colorado School of Excellence. The Challenger School process will help each school focus its energy on improving student academic achievement, and equally important, be in a position to have pre and post data to document the progress that the school is making. This type of data will be absolutely necessary when it comes time to renew the charter and when it comes time to request that any waivers from state statute be extended by the State Board of Education.

COLORADO SCHOOL OF EXCELLENCE PROGRAM

The Challenger School process will also allow the school to weave several, possibly duplicative requirements/processes, into one. Usually, the Challenger School process and plan can serve as the school's improvement plan, help to meet accountability/accreditation requirements, and make reporting to the school district, state, and school community more streamlined. The recognition of being a Challenger School helps the charter school be recognized in the community and acknowledged by the local board of education as seeking excellence. Contact David Dinkins at CDE, 303-866-6633, for further information.

b. Charter schools which have received federal monies through the Colorado Charter Schools Grant Program, or other federal programs, must participate in annual studies in cooperation with the Colorado Department of Education and the U.S. Department of Education. The topics researched may vary from year to year.

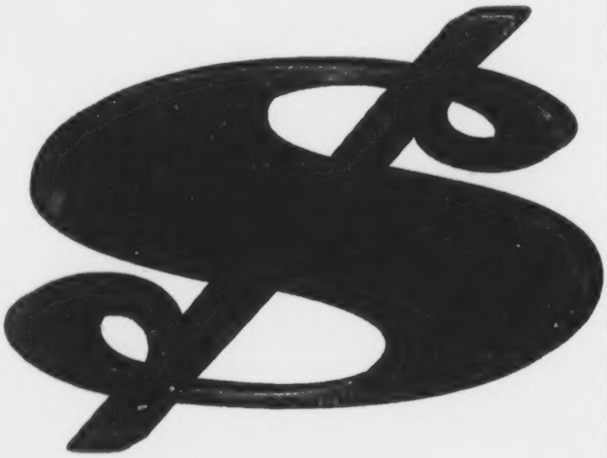
c. Charter schools must participate in the Colorado Student Assessment Program which is an integral part of Colorado's Standards Based Education initiative. These results will assist the state board of education in its requirement to compare the performance of charter school pupils with similar students in other public schools. In addition, the results will help charter schools, school districts, and the state board of education in determining if charter schools are meeting or exceeding the state academic content standards.

6. Proposed budget. Prepare a proposed budget which balances. Show the income projected to cover the planned expenditures. Expenditures cannot exceed revenues in any given year. Seek plenty of technical assistance as the budget is developed, as it reveals the plans and assumptions of the school's structure and operations. Arrangements for contracted services (e.g., school lunch, transportation, special education, accounting, etc.) should be shown in the budget. Include a discussion of how the proposed charter school can be conducted in an economically viable manner, and how the plan also is economically sound or not damaging for the school district. Creating a balanced budget will be one of the most difficult tasks facing a charter school applicant. Seek help and advice from school district officials and other school finance experts! See Appendix "C", Understanding School Finance for more detailed information. The Colorado Department of Education's School Finance Unit can be reached at: 303-866-6847. Technical assistance can also be obtained through the Colorado League of Charter Schools at: 303-989-5356.

A charter school is a public school, funded through the school district under the School Finance Act. Under the Charter Schools Act, a charter school will receive *at least* 80 percent of the Per Pupil Operating Revenue (PPOR) for each student enrolled. Students from out-of-district are counted and funded through the district in which the charter school is located.

PPOR is a statutorily defined amount which is based on the funding provided to a school district through the Public School Finance Act. This amount includes only those funding sources which are a part of the act, namely, state funding and local property tax revenues. PPOR does not include such funding sources as federal funds for special education, free and reduced lunches, and impact aid. Nor does PPOR include such items as voter approved property taxes for operating and transportation and bond monies levied to retire debt. The PPOR is determined by the School Finance Act. It is not the same as the average per pupil expenditure in a district. Contact the school district finance office to find out the PPOR for your district.

Per Pupil Operating Revenue (PPOR)



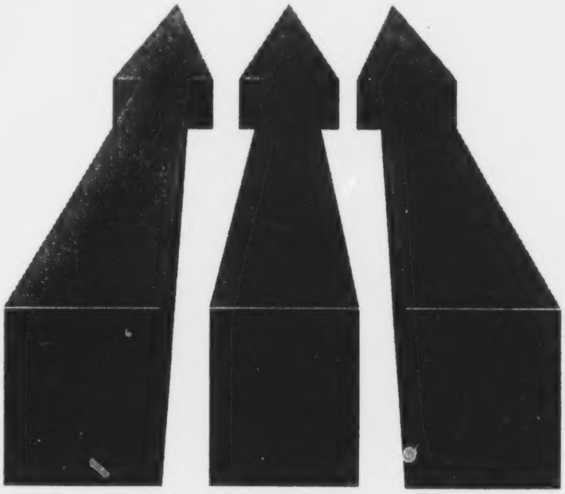
Higher funding rates can be negotiated between the applicant and the local board of education. Factors relevant to this negotiation might include whether the district is providing the school facility and the nature and extent of services the district will provide to the charter school. Charter schools have the option to purchase needed services from their sponsoring district or from third parties. Negotiated services often include: data processing, purchasing, human resources, instructional, auxiliary, business office, insurance, special education, transportation, and food services.

A charter school does not receive state funds directly. Therefore, the funds flow through the school district. The plans and processes for fiscal management and accountability must be spelled out in the charter. There are no special provisions in the act to provide charter schools with access to capital construction funds, such as school bonds. However, nothing in the law would prohibit a school district from building or providing a facility for a charter school just as it would for any other existing or new school in the district. Under certain circumstances, the **Colorado Educational and Cultural Facilities Authority** can assist with the financing of facilities for charter schools. The authority can be reached at: 303-297-2538. In addition, a number of private companies are financing facilities for charter schools. Call the Colorado League of Charter schools at: 303-989-5356 for more information and suggestions.

The proportionate share of state and federal resources under categorical programs which are not a part of PPOR, such as special education, Chapter 1, etc., *shall be directed by the school district to charter schools serving students eligible for such aid.* See Appendix "H", Allocation of State-administered Federal Programs for Charter Schools for more detailed information.

It is the intent of the General Assembly that funding and service agreements be neither an incentive nor disincentive to establishing a charter school.

Article X, Section 20 of the Colorado Constitution limits both the non-federal revenues and the non-federal expenditures of school districts and other governmental organizations. As a public school within the district, the charter school will contribute to the district's revenue and expenditure limitations. Therefore, all anticipated revenues and expenditures must be included in the charter school budget approved by the local board of education.



Financial Management School district financial management is governed by a wide variety of state, federal, and other requirements. School districts must budget and manage their finances according to standard definitions and procedures. They are also required to have an annual financial audit by an independent auditor which contains a report of revenues and expenditures in a format prescribed by the State Board of Education. As a public school within the district, the charter school is also governed by these requirements. The charter agreement should specify how charter school finances will be managed to meet these requirements. It must also describe how the administrative audit of the charter school, including any services provided by the school district, will be conducted.

Gifts, Donations and Grants The governing body of a charter school is authorized to accept gifts, donations, or grants of any kind and to expend such gifts and grants in accordance with the conditions prescribed by the donor, as long as the conditions do not violate state law or the charter contract with the local board.

Tuition Tuition may not be charged for students residing in the school district responsible for the charter school. In general, tuition also may not be charged for students enrolling from other districts. Tuition may be charged for non-resident students under certain conditions prescribed by state law pursuant to Section 22-32-115 C.R.S. The school district of residence may be charged for a non-resident charter school student only if the resident district has a written agreement with the district approving this arrangement. Special statutory provisions regarding out-of-district special education students and excess costs apply. Contact the special education director in your local district for the specific requirements.

Fees State law permits the imposition of fees under certain conditions pursuant to Section 22-32-117, C.R.S. Local boards may impose fees for expendable supplies, activities, textbooks, and summer school. Many districts have policies regarding the types of fees that may be charged for various activities. A description of the types of fees, if any, to be charged and the amount of revenue expected to be generated from them should be negotiated between the district and the charter school and reflected in the charter school's budget. Fees collected from students enrolled at a charter school shall be retained by the charter school under the law.

Student Enrollment and Scheduling and How it Affects Funding A charter school is funded through school district funds. In order for students to be counted for school district school finance funding, the student must be enrolled and establish membership by attendance on the October 1 official count day. The October count becomes the basis for district funding in that school year. A student can be counted only once, in one school and district. However, in some cases a student may be enrolled part time, at least 90 hours per semester for example, and receive one half of the PPOR.

Under the School Attendance Law, children ages seven through 15 must attend school, with some exceptions, for 968 hours each year for elementary schools and 1,056 hours for secondary schools pursuant to Section 22-33-104, C.R.S. The district must schedule a school year of at least 1,080 hours for secondary, and 990 hours for elementary, with no less than 160 days unless a waiver is approved by the Commissioner of Education pursuant to 22-32-109(1)(n), C.R.S. Of these scheduled school-year hours, up to 24 may be used for parent-teacher conferences or staff in-service programs. The district calendar applies to all schools, unless the board provides for school variations. Calendars must be set after parent and teacher input on inservice days. Once established, calendars cannot be changed without 30 days notice to parents, except in an emergency.

A student, to be eligible for full-time funding, must be scheduled for a minimum of 360 hours of instruction for the semester pursuant to State Board of Education School Finance Rules 1 CCR 301-39. A part-time student must be scheduled for at least 90 hours and up to 359 hours of instruction. Schools may enroll students on a part-time basis. An example might be a school which chooses to offer specific classes, on a part-time basis, to children being homeschooled. Kindergarten students can be counted as only as half-time students for the funded pupil count. If a full-time kindergarten program will be offered, tuition may be charged for only the half day not covered by the state funding formula. Students with disabilities receiving special education services may fall under slightly different counting rules.

Legal Liability/Insurance Coverage Liability coverage and possibly other coverages should be worked out with the school district. Insurance issues such as who will pay for any insurance obtained to cover the governing body and employees of the charter school or for the buildings and grounds of the charter school or for vehicles used to transport charter school students must be addressed in negotiations with the school district and in the charter application. Charter schools are part of a public school district, and school district liability is limited by the Colorado Governmental Immunity Act, Sections 24-10-101 et seq., C.R.S.

7. **Administrative audit.** Describe plans for an annual audit of the school's financial and administrative operations. This typically would be an outside review of operations, and would meet the need to provide financial reporting to the district office for funds expended at the school level, including contracted services. Strong consideration should be given to contracting with the school district for this service as a part of their normal audit procedures.

- The administrative audit might include looking at whether various laws, rules or policies affecting the school are being followed.
- The financial audit would serve to assure that expenditures of public funds by the charter school are being properly made and accounted for. The school district is required to obtain an independent annual district financial audit looking at both state and federal funds. In addition, the state conducts financial audits of pupil counts affecting entitlement to state funds.

Being prepared for these types of audits can be highly complex and technical in nature. Seek plenty of professional help in this area.

8. **Displacement of students and staff.** If a charter applicant proposes to convert an existing school to charter status, then a displacement plan must be developed for those staff and students who do not wish to be a part of the charter school. Displacement may or may not be an issue if an existing school will be shared with the charter school.

9. Governance and operation. Describe the proposed governance and operation of the charter school. There must be some kind of identifiable governing body responsible for carrying out the charter. The manner of governance must be agreed to by the charter school applicant and the local board of education. Generally this will be a board or management team composed of parents, teachers, and perhaps community members, selected through a process spelled out in the charter. A charter school remains within the school district and under the general supervision of the local board of education.

The amount of authority conveyed to the governing body is negotiated between the charter applicants and the school district. Waivers from state statute and local board policies are generally necessary to create unique or unusual governance structures. Keep in mind that starting and running a school requires people to be involved with a **broad range of skills!** *Provisions should be made to provide ongoing training activities for governing board members. Consider requiring such training before a person can be seated on the board.* Seek out people who have skills in finance, facilities, curriculum and instruction, management practices, and school law, to name a few.

Many interesting governance structures are emerging for charter schools in Colorado. This is due, in part, to Colorado's Contracting Statute, 22-32-122, C.R.S., which allows a school district to contract out for "any service or program with other government agencies, universities, or with any natural person, body corporate, or association". As a result, charters have been issued to non-profit and for-profit corporations; cities and universities; and organized groups of parents and teachers to operate and govern charter schools.

Charter schools may organize as non-profit corporations and still maintain governmental immunity.

Under certain circumstances a charter school may be located outside the physical boundaries of the school district which approves a charter application. Colorado Revised Statute 22-32-109(1)(v) and (II)(2) allows a school district to "cause an educational program to be maintained and operated....outside the territorial limits of the district".

Additional management and advisory teams can be established, including the required school accountability advisory committee. The governing body should develop bylaws for its operation as well as other policies and procedures necessary for the smooth operation of the school. Before staff is hired, a management plan should be developed. Describe in that plan who has responsibility for what. For example, to what degree will the governing body and parents have input and authority over such items as budget, curriculum and textbook adoption, staff selection and termination, goal setting, and program evaluation. How do teachers and the administration, for example, fit into the decision making process regarding such matters? This is an area which requires much thought and consideration! Tough decisions will have to be made as the school operationalizes. If these issues are carefully thought out before the school opens, valuable time will be saved in the future and decision making will be made easier and more efficient.

Under the Colorado Sunshine Law (Sections 24-6-401, et seq., C.R.S.), school board meetings and meetings of any committee, authority, or advisory body are public meetings open to the public. This applies to charter school governing boards. Any meetings of three or more members of the charter school governing board at which public business is discussed are declared to be public meetings. Provisions for executive sessions are provided.

In addition to open meetings, public schools must comply with the Colorado Public Records Act (Sections 24-72-201, et seq., C.R.S.), as well as federal statutes on Family Educational Privacy Rights (also known as the Buckley Amendment, 20 U.S.C., 1232g). Public records must be open for inspection by any person at reasonable times. Certain school records may not be disclosed when they contain personally identifiable information. A 24-page guide on the public records laws, student records, and family educational rights and privacy is available from the Regional Services Unit at CDE, 303/866-6637.

10. Employee relationships. Charter schools may choose their own personnel. The application must define the relationship that will exist between the school and its employees, including the terms and conditions of employment. The employment agreements might address not only salary but also benefits and working conditions.

Where charter school teachers are already employees of the chartering school district, the teachers will be considered to be on a one-year leave of absence. This leave of absence will be renewed at the teacher's request, and with the agreement of the school district, for two additional one-year periods. After three years, the district can redefine its relationship with the employee. Employment status of school district employees seeking to return to the district from a charter school is determined by negotiated agreement or local board of education policy.

Charter schools and their employees must participate in the Public Employees' Retirement Association or the Denver Public Schools retirement fund, contributing the amount these funds require.

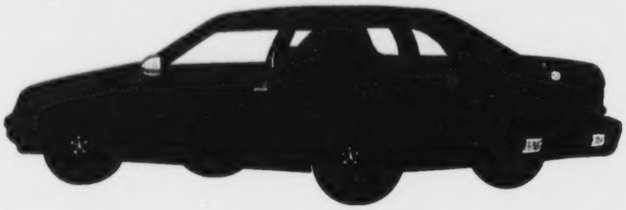
11. Liability and insurance. Describe provisions for insurance coverage and other liability understandings between the school and the local board of education. In most cases, the school can be covered under the school district's insurance plans.

12. Transportation plan. Describe how students will get to the school and any transportation plans the school plans to provide. The provision of school transportation services is at the option of each local school district and charter school. Providing transportation is not required. If transportation is to be provided, the application should address the needs of low-income pupils and any pupils targeted as being at-risk.

What options does a charter school have regarding school transportation?

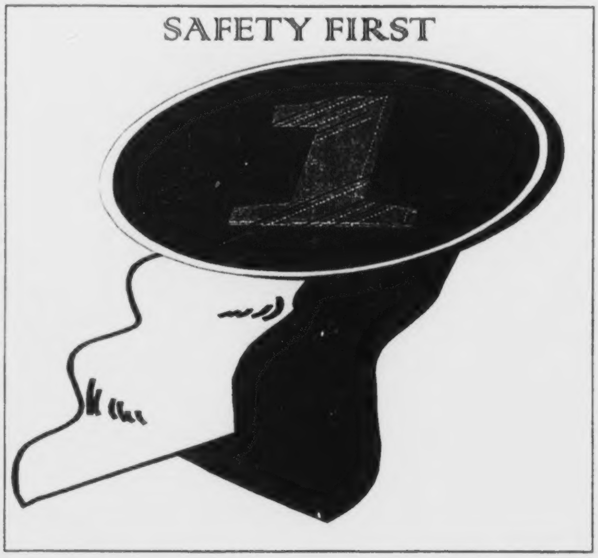
Option 1 — Do not provide any transportation services. Parents would be responsible for arranging transportation for their children to school. If private vehicles are to be utilized for transporting children to school activities for scheduled activities, appropriate insurance documentation needs to be on file for each private vehicle used. Check with your school district for the appropriate procedures to employ.

Option 2 — Utilize the district's existing transportation department to provide transportation services for charter school students. If this option is picked, then all agreements regarding district provided transportation should be included in the charter contract.



Option 3 — Contract with an outside provider of transportation services. Remember, any small vehicles or school buses owned and operated by a charter school or school district or under contract must meet the safety and operating standards as prescribed in State Board Rules CCR 301-25, 301-26 and 301-29. For more information on these requirements, contact the School Transportation Unit at CDE at 303-866-6661.

A limited amount of state dollars is provided as reimbursement for operational costs incurred by the a district transporting children to and from school. The state allocation does not cover the full cost of school transportation. For this reason, the charter school and the district transportation department must fully consider the budget implications of important variables such as bus route distances, vehicle capacities, and walking distance policies. Any transportation plans for a charter school must be carefully coordinated with the district's transportation department for optimal, efficient, and safe pupil transportation.



Utmost in the decision-making process should be the safety of the children going to and from school. Transportation professionals in Colorado's school districts are proud of their safety records.

The provision of transportation services involves many federal and state rules and regulations, and would involve insurance and other liability implications. A professional transportation provider would be of great benefit in implementing an effective transportation service for a charter school.

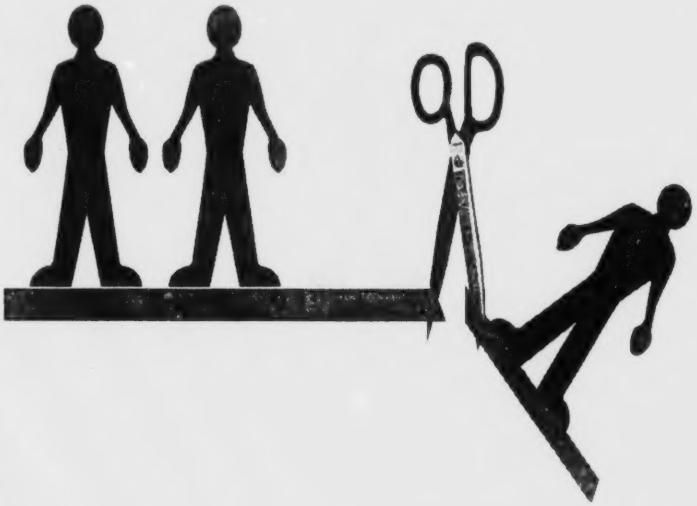
In certain cases, transportation requirements may be addressed in a special needs student's individual education plan. Other legal issues may be a factor, such as court-ordered busing for desegregation.

Begin your decision-making process with a discussion with the school district administrators and transportation department.

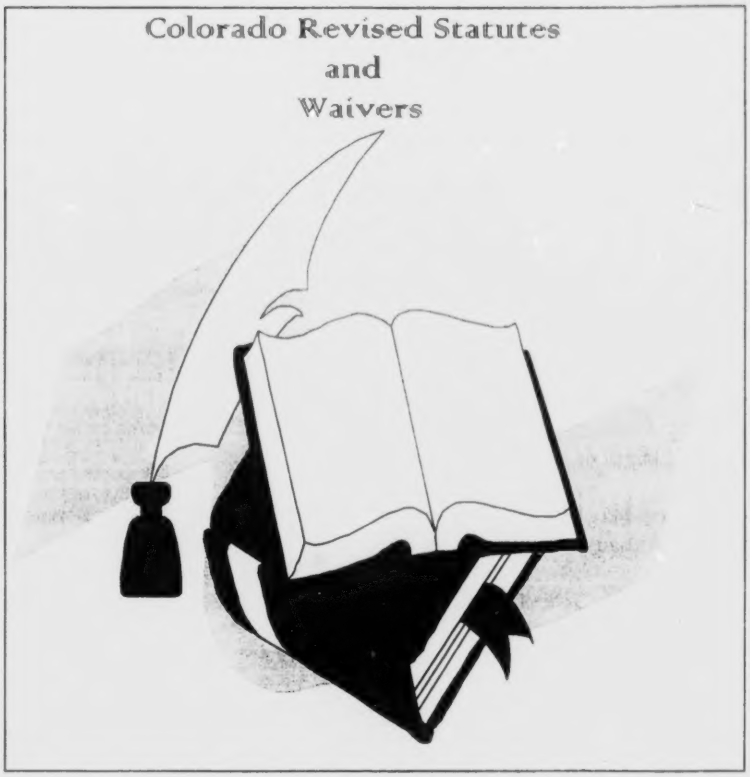
13. Enrollment policy. The application should be clear in how children will be admitted to the charter school. Enrollment must be open and tuition free to any child who resides within the school district which grants the charter, and may be open to students from other districts. Under Colorado law, any school must accept students from other districts, subject to space and staff limitations but with priority for in-district students. Charter schools are subject to court orders affecting the district and to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or need for special education services. A selection process must be developed when applications exceed the space available. No criteria for enrollment, other than residency, may be established. *Note: Charter schools must use some sort of lottery for admission when "more students apply than can be accommodated" when applying for financial assistance under the federally funded Colorado Charter Schools Grant Program.*

Entrance age to school is determined by local board policy and pursuant to 22-33-105, C.R.S. The School Attendance Law of 1963, Article 33 of Title 22, C.R.S., entitles state residents between the ages of 6 and 21 to a free education, and requires persons between the ages of 7 and 16 to attend school.

Enrollment requirements, including entrance age for school, vary from district to district, but usually include legal proof of age (preferably a birth certificate) and various immunizations. Transfer students register in the district of prospective residence. Registration requirements and grade placement vary among school districts, but transcripts of the student's records from the school previously attended are usually required. In general, school authorities will send for transcripts.



14. Waivers. List the school district policies from which waivers are sought. List the state board rules and/or state statutes for which waivers are sought. Give the specific citation, explain the waiver sought, and how the waiver(s) will help achieve the school's goals. The justification should show how the waiver will help the school improve educational achievement or enhance educational opportunity, or other purposes of Sections 22-53-203 to 22-53-208 C.R.S. Describe any significant financial impact of the proposed waiver. Under the waiver statute, waivers may be granted for the term of the charter, subject to review every two years. ***Contact Bill Windler at the Colorado Department of Education before sending any waiver requests to the state board of education for processing. Timelines and procedures will be established for each request. His phone number is: 303/866-6631.***



While the legislative intent of the Charter Schools Act is to give charter schools the flexibility needed to innovate, all waivers from existing district policies and state laws or rules and regulations must be specifically requested in the charter application.

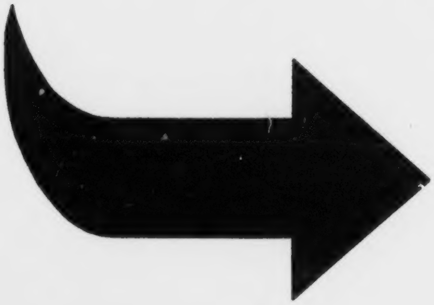
- The local board may waive specific school district policies in the charter.

- The State Board of Education may waive specific state board rules under Section 22-30.5-105(3) C.R.S. when requested jointly by the charter applicant and the local board of education.

- The State Board of Education may waive state statutes in Title 22 of the Code in accordance with the provisions of the waiver statute, Section 22-2-117 C.R.S., and State Board Rule 1-CCR 301-35. A request for waiver of state statutes must be made jointly by the charter applicant and the local board of education.

- Neither the local board nor the state has the authority to waive the applicability of federal laws or rules for a charter school.

Other Considerations for Applicants



1. The Allowable Number of Charter Schools

The number is currently unlimited.

2. The Length of a Charter

New charters may be granted for a minimum of three years and up to a five-year period, and may be renewed. Charters may be amended at any time by consent of both parties.

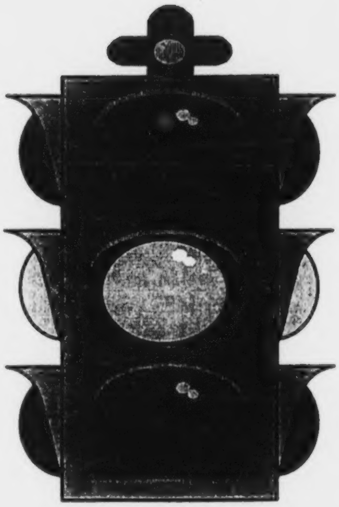
3. The Charter School Site

The charter applicants must find a site for the school. This could be in an existing school district building, or it could be in rented property or in a cooperating institution such as a college. Finding sites for schools can be difficult and creative solutions may be needed. The cost of maintenance, cleaning, utilities, insurance, etc. must be reflected in the budget negotiated in the charter agreement.

A charter school shall not be required to pay rent for space in school district facilities which are deemed available. Colorado Revised Statutes require that all public school facilities meet the standards of the Colorado Division of Labor pursuant to Section 22-32-124, C.R.S. Building permits and inspections are required. Life and safety requirements (including asbestos regulations) apply to rented or contributed facilities. *Call Wayne Horn, Division of Labor, at 303-572-2919. His office, under most circumstances, will: a) issue remodeling permits and b) issue the final occupancy permit.*

Under certain circumstances, the **Colorado Educational and Cultural Facilities Authority** can assist with the financing of facilities for charter schools. The authority can be reached at: 303-297-2538. In addition, a number of private companies are financing facilities for charter schools. Call the Colorado League of Charter schools at: 303-989-5356 for more information and suggestions.

4. Grounds for Denying a Charter Application



Charters can be denied, under Section 22-30.5-108 (4)(a)(I) C.R.S., if the proposed charter school would: (1) violate any federal or state civil rights laws; (2) violate any court order; (3) threaten the health and safety of pupils in the school district; or (4) be inconsistent with the equitable distribution of charter schools among the school districts. A charter application can also be denied if the application is incomplete. However, in the case of a denial, a local board must state any and all reasons for denial. A local board of education may "reasonably limit" the number of charter schools in the school district.

A decision to deny a charter application by a local board may be appealed to the Colorado State Board of Education. State Board of Education Appeal Procedures are found in the Appendix "E".

5. Conduct and Discipline Code

Each board of education is required to adopt a written conduct and discipline code (Sections 22-32-109(1)(w) and 22-32-110(2)(b), C.R.S.). Statutory grounds for suspension, expulsion, and denial of admission are spelled out in Sections 22-33-105(2), and 22-33-106, C.R.S. The board may delegate to a principal or other person designated in writing the power to suspend. Each student must receive a copy of the district conduct and discipline policies and regulations. Discipline of students with disabilities can raise special problems and charter schools should consult with the district director of special education as appropriate.

At the end of every school year, the accountability advisory committee in each school shall submit a written report to the board of education, with copies to the district accountability committee and superintendent, concerning the learning environment in the school during that school year. The report shall include specific information on conduct and discipline actions taken during the school year. The school report shall be made available to parents and the general public.

6. Food Service

Schools do not have to provide a food service program. The provision of school food service is at the option of each local school district and charter school.

Options regarding food service:

Option 1 — Students attending charter schools in Colorado are eligible to participate in the federal Child Nutrition programs (National School Lunch, School Breakfast, and Special Milk) through the district's non-profit food service operations. Donated commodity foods and federal cash reimbursements are available to help support the program, and to provide for meals at free or reduced prices to eligible needy students.

Option 2 — Should a charter school elect not to take advantage of the benefits of the federal Child Nutrition programs, alternate catered food service may be arranged through the district's non-profit food service operation on an a la carte basis, or through an outside vendor.

Option 3 — Do not provide any formal food service. Parents would provide meals for the children to bring to school.

Plans for food services in a charter school must be coordinated through the district's food service department. In this way, a food service delivery system can be designed which will best meet the nutritional needs of the students, while maintaining financial viability and conformance to state and federal regulations.

The type of food service provided can have a profound effect on the charter school's learning goals for its students. Studies demonstrate the important connection between the adequacy of a child's nutrient intake and the ability to learn effectively. The federal Child Nutrition programs are designed with this in mind. Any alternate food service would need to be designed and monitored carefully to insure that the nutritional needs of the students are being met.

The provision of food service involves many federal and state rules and regulations. A professional food service provider would be of great benefit in implementing an effective food service for the charter school.

7. John Irwin Colorado Schools of Excellence Program

The Colorado State Board of Education , Colorado State Legislature, and the Colorado Department of Education co-sponsor the John Irwin Colorado Schools of Excellence Program. All Colorado public schools may choose to participate.

The John Irwin Colorado Schools of Excellence Program recognizes schools for improving graduation/continuer rates and student achievement, or for sustaining high levels of student performance in these areas.

This is a voluntary program designed to enable all Colorado public schools to compete. Schools are rewarded for attaining goals which improve the academic performance of students.

The program requires a variety of indicators to provide a reliable picture of achievement for all student groups. Schools have the opportunity to document exemplary practices and provide reliable information regarding community satisfaction with educational programs and progress.

8. Title I of the Elementary and Secondary Education Act (ESEA)

Title I of the Elementary and Secondary Education Act (ESEA) is the largest federal aid to education program. It provides financial assistance through state departments of education to local school districts to enable high poverty schools to provide supplementary enrichment opportunities for at-risk children to acquire the knowledge and skills contained in the State's challenging content standards and to meet the student performance standards developed for all children.

Supplemental educational services must be provided to eligible children, defined as those failing or at risk of failing to meet state standards. The services must be included in the school district's Title I application which is submitted to the Colorado Department of Education (CDE) for approval.

Specific services could include salaries and benefits for Title I teachers; supplies, materials, and equipment; inservice training in the state content standards for staff who work with Title I children; and parent involvement activities.

A charter school cannot apply directly for Title I funds. Only a local school district or BOCS (board of cooperative services) may submit an application for Title I funds. Therefore, if a charter school qualifies for Title I services, it should be included in the school district's or BOCS' application. The school district or BOCS retains fiscal and administrative control and responsibility for the funds.

In order to qualify any school for Title I services, the school districts ranks all of its schools on the basis of the percent of children from low-income families. The schools must be served by Title I in rank order within the limitations of funding. It the charter school enrollment contains a concentration of low-income children that places it within the range of eligible schools that can be served, it would qualify for Title I services on its own merit.

The school district and charter school officials can identify the children enrolled in the charter school who actually reside in Title I school attendance areas. The children within this "residency pool" who are determined to be failing or at risk of failing to meet state standards are eligible for Title I services.

Title I funds are distributed to eligible schools based upon the number of children from low-income families in the school, using a per/pupil formula. The schools are served within the limitations of Title I funds available to the school district.

Title I funds cannot be commingled with other funds available to the charter school, except in the special case where the charter school is operating as a Title I schoolwide program with a poverty level of 50% and higher. (Contact the local school district for additional information about Title I schoolwide requirements.) The school district must retain control over the Title I funds which must be accounted for separately from other funds. Title I funds may only support supplementary services for identified Title I children and must be described in the application submitted to CDE by the local school district.

The progress of children toward meeting the state standards must be assessed and reported to CDE on an annual basis. Title I transitional assessments, already in place in Colorado school districts, must be used at grade levels already selected by the school district. (Title I transitional assessments must be administered in at least one grade within the following grade spans: 3-5, 6-9, and 10-12.)

Parental involvement is required in the planning, implementation, and evaluation of the Title I program. Parents are encouraged and trained, if appropriate, to be involved in the education of their children.

Title I programs must be coordinated with the regular program of instruction and with other programs such as special education and services to limited-English proficient children.

Title I programs emphasize intensive and sustained professional development to ensure that teachers and the entire school staff can apply the most effective methods for teaching low-achieving children so that they, along with other children, can meet high standards.

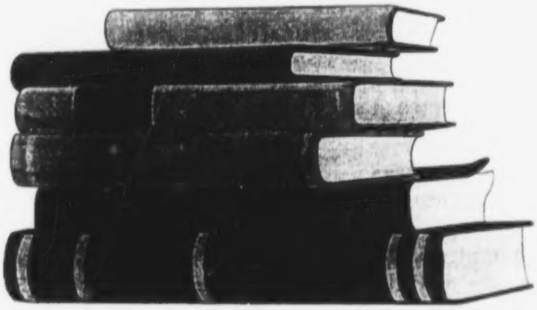
The local school district usually begins planning for the next school year in January or February. Since all Title I applications have been approved for a three-four year period, the charter school should contact the local school district sometime in the fall. Updates to the Title I application and any changes or modifications are due in the CDE Title I office by June 1, although an extension may be requested. No funds may be obligated or spent before the annual updates are approved.

Charter school officials must work closely with the Title I director in their local school districts in developing a Title I program. Information can also be obtained from the Title I Office at the Colorado Department of Education, phone 303-866-6777.

9. Title VI of the Improving America's Schools Act

Title VI is a federal program that provides initial funding to schools to implement promising educational programs focused in the following areas:

1. Technology education programs, including professional development to assist teachers and other school officials regarding how to use such equipment effectively.
2. Programs for the acquisition of instructional and other educational materials which are tied to high academic standards and improved student achievement.
3. Promising educational reform programs.
4. Programs to improve higher order thinking skills and to prevent students from dropping out of school.
5. Literacy programs.
6. Gifted and talented programs.
7. Goals 2000 programs.
8. School improvement programs under Title I.



Staff salaries and benefits, consulting fees, capital outlay, professional development, educational materials, and parent/community involvement activities can be funded by Title VI at a charter school. Basically, anything that is either instructional or supports instruction is allowable under Title VI.

A charter school may not apply directly to the department for Title VI funds, but must instead express its desire to receive funds to the district in which the charter school is located. The district will then work with the charter school to complete the application process.

CDE annually provides each school district a Title VI per pupil allocation. District allocations are based on a formula that includes school age population and low income counts. Charter school per pupil allocations should be equitable given the district per pupil allocation. However, unequal per pupil amounts may be allocated if the cost of meeting the charter school student's Title VI needs is different than that of other students in the district. Although a district or school does not receive funds for pre-k children or adults, it is allowable under Title VI to provide services to them.

Title VI funds cannot be commingled with other funds available to the charter school. The school district must retain administration and control of the school's Title VI funds. Recipients of federal funds must maintain separate accounting by program and fiscal year. Only schools approved as schoolwide programs under Title I of the Improving America's Schools Act may commingle certain federal education program funds.

Parents, teachers, administrators, and others deemed appropriate by the school must be systematically involved in the needs assessment, planning, design, and implementation of the school's Title VI program.

A school which receives assistance under Title VI must evaluate the effectiveness of programs under this title, and report annually to CDE, through the school district or BOCS, on the use of the program funds.

Schools must notify their school district of their intent to participate in the program during the fall enrollment count. Schools should begin their needs assessment process and evaluations of the previous year's projects during spring. School district/BOCS Title VI applications should be received by CDE's Title VI office by June 15th. Program funds must not be obligated prior to CDE approval of the application. Additional information can be obtained through the Colorado Department of Education's Title VI Office at: 303-866-6780.

10. Special Education

Special education refers to those instructional and related services (such as occupational therapy, physical therapy, etc.) that are provided to students with disabilities in accordance with an individualized education program (IEP). Federal and state laws require that public schools assess students suspected of having disabilities. If it is determined by the public school system that a student has a disability that renders the student unable to receive reasonable benefit from regular education, an individualized educational program must be developed for the student and instructional and related services provided to the student in accordance with the plan. As a public school, each charter school shares in the obligation to accept and appropriately serve children with disabilities within the framework of the IEP.

The State of Colorado, Department of Education, administers its programs for children with disabilities through administrative units. A single district or group of districts (Boards of Cooperative Services) may petition the Colorado Department of Education to be designated as an administrative unit. Each administrative unit must have a director of special education who is responsible for special education within that unit.

Special education is funded by a combination of sources: federal, state and local. Both the federal and state governments appropriate categorical funds for the education of children with disabilities. However, federal funding is based directly on a count conducted in December by administrative units, whereas state funding is based on reimbursable costs, such as teacher salaries, etc.

A charter school can apply only through the administrative unit in which the school is located for funding. With respect to state funds; the administrative unit would apply to the CDE for allowable reimbursable costs, e.g., for salaries of teachers appropriately certified and endorsed. Federal funds would be allocated on the basis of the December count which generates funds for the following school year.

Special education funds cannot be commingled with other funds. They must be accounted for separately. Because they are categorically designated, that is for the education of children with disabilities, such funds must be used for special education only.

A special education student who chooses to attend a charter school must be provided services by an appropriately certificated and endorsed special education teacher in accordance with the student's IEP. A student in a charter school, suspected of having a disability that may be a reason for the student's educational difficulty, must be assessed and considered for special education regardless of whether or not federal or state special education funds are accepted by the charter school.

A student with a disability from one district who chooses to attend a charter school in another district may be accepted, just like any other non-resident student, on a space available basis. However, the district in which the student resides is responsible for paying to the charter school any tuition charge for the excess costs incurred in educating the child. Excess cost is the amount of money over and above the district per pupil amount and the federal funds received by virtue of counting the child. When a student with disabilities from one district attends a charter school in another district by choice, the district where the student attends may count the student for both state and federal funds. Salaries for special education personnel, capital outlay, staff travel, etc. can be paid for out of special education funds.

The local director of special education should be contacted for assistance in assuring that children with disabilities are served appropriately in a charter school. Arrangements for categorical funding are made with the local administrative unit with the assistance of the director of special education.

Care should be taken to consult with persons knowledgeable about special education requirements and guidelines. These requirements and guidelines are complex and could become the source of difficulty and legal action if they are not followed. Federal law and guidelines regarding the delivery of special education services cannot be waived.

Additional information regarding Special Education can be obtained by calling the Colorado Department of Education at: 303-866-6885.

11. Miscellaneous Programs

Charter schools and charter school organizers are encouraged to check with school district officials regarding the programs listed below and any funding that may be associated with them. Charter schools could qualify for any of these programs if the need exists. The program year for such programs usually begins July 1 and ends June 30 of each year. Planning usually begins in the spring. Applications from local school districts are due in the appropriate CDE office in June. No funds may be obligated or spent before the application(s) have been approved by CDE. For additional information on the programs, call the Colorado Department of Education at: 303-866-6600.

- **English Language Proficiency Act (ELPA)**
- **Colorado Preschool Program (CPP)**
- **Gifted and Talented Exceptional Students Program**
- **McKinney Homeless Education for Children and Youth Program**
- **Drug Abuse Resistance Education (D.A.R.E.) Program**
- **Dwight D. Eisenhower Mathematics and Science Education Program**
- **Goals 2000: Educate America Act**

Summary of Colorado Regulations

The following is a list of the rules and regulations enacted by the State Board of Education and published in the Colorado Code of Regulations (CCR). The information provided summarizes the contents of the various rules. For more specific details, please consult Volume 1 of the CCR available in your school district, your local library, or each state publications depository around the state. The CCR may be purchased from the Public Records Corporation, but it is very expensive.

Accreditation of School Districts 301-1

In order to carry out its responsibility to supervise the public schools, these rules were implemented by the state board to assist all school districts in improving the educational opportunities and achievement outcomes for students, while being accountable to the communities they serve. The rules define the roles of the various participants in the accountability and accreditation processes, including district and school building accountability committees. The individual school improvement process which results in a plan for each school is outlined, as are the requirements for reporting on these issues to the community.

General Educational Development (GED) Testing Program 301-2

The GED rules establish eligibility requirements for test candidates, minimum score requirements, application and test administration procedures, and test center approval process and operational protocols.

School Food Services 301-3

These rules set forth certain requirements that school food services must meet in order to be eligible for reimbursement under the National School Lunch Program or the Child Nutrition Act. The requirements pertain to such items as pricing, supplemental and competitive food services, commodities use, free and reduced price meals, and record keeping.

Determination of Indigency and Establishing Policy on School Fees 301-4

The definition of indigent is contained in these rules. They also set forth how a district informs parents of a fee to be charged and how persons may establish if they are eligible for a fee waiver.

Administration of the Exceptional Children's Educational Act 301-8

This set of rules establishes the administrative framework for providing educational services to students with disabilities and gifted and talented students. The rules set forth the definitions of disabilities, the eligibility criteria for receiving services, and the procedures to be followed in identifying, assessing and serving those children eligible for services under the Exceptional Children's Educational Act. Also included are the criteria for creating and maintaining public administrative units, the standards for provision of services to eligible students and the requirements for private facilities that provide services to publicly placed students with disabilities. The procedural safeguards provided to parents of students with disabilities are stated. Provisions are detailed regarding permissable expenditures for serving students with disabilities.

English Language Proficiency Act (ELPA) 301-10

The ELPA rules define the parameters of the programs to be funded under the law. They explain which students are eligible for funding and how those students are identified and assessed. Additionally, they set out the required record keeping, fund distribution and reporting aspects of the program.

Accounting and Reporting **301-11**

The various funds and accounts which may be maintained by school districts are defined and their uses explained in these rules.

Administration of Pilot Programs Concerned with an Extended School Year **301-13**

Districts wishing to be approved as pilot programs for alternative school year calendars must fulfill certain requirements that are set forth in these rules.

Administration of the Public School Transportation Act **301-14**

This set of rules establishes the procedure and requirements for districts to receive reimbursement for certain costs of providing transportation to students. The rules contain a list of those expenditures that may be reimbursed. They describe how districts may contract for services.

Teacher Qualification Driver Education **301-16**

These rules delineate the required training and expertise that a teacher must have in order to be assigned to teach driver education, traffic education and related courses.

Teacher Qualification Motorcycle Safety Education **301-17**

This rule states requirements for a teacher to be certified as a motorcycle safety education teacher.

Administration of County Equalization Grant Programs **301-21**

These rules establish the parameters within which the Colorado State Library in the Colorado Department of Education distributes grant money to counties for library services. The money is used to provide supplemental support to counties which cannot provide a minimum level of library services due to low per capita income and low assessed valuation. The rules state the eligibility criteria, the grant formula, and the planning requirements for the program.

Regional Library Service Systems **301-22**

In these rules is the method for organizing and creating the regional library service systems. The systems must develop plans, assume certain responsibilities and meet certain reporting requirements.

Administration of the Colorado Library Network—Payment for Lending Program **301-23**

The rules establish eligibility criteria for reimbursement of certain lending transactions by members of a Regional Library Service System.

Minimum Standards Governing School Transportation Vehicles **301-25**

The minimum standards for school transportation vehicles purchased for use in Colorado are contained in these rules. Specifications for the various school transportation vehicle components are listed, including for example, brakes, heating systems, floor coverings, flashing signals and the bus chassis. There are separate rules applying to vehicles used for transporting students with disabilities.

Operation of School Transportation Vehicles **301-26**

These rules establish standards that must be met by the operators of school transportation vehicles, including minimum operator permit requirements, operator physical requirements and operator training requirements. They contain the rules for safe operation of school transportation vehicles such as procedures for safe stops for loading and unloading children and accident or breakdown procedures.

Administration of the State Publications Depository and Distribution Center 301-28

The procedures for depositing and maintaining state publications is detailed in these rules, as is the procedure for being designated a state depository.

Inspection of School Transportation Vehicles 301-29

The vehicle inspection rules set out the inspection procedures as well as the criteria the vehicles must meet in order to achieve a satisfactory inspection rating. The inspection criteria address such areas as steering suspension, brake system, drive train and lighting.

Second Chance Program 301-30

Eligibility criteria for students and schools that wanted to participate in the pilot program are set forth. Second chance was a program targeted to assist students who had difficulty succeeding in traditional schools. The rules include procedures for applications and financial transactions.

Declaratory Orders Procedure 301-31

The State Board of Education is required by law to have a procedure to terminate controversies by use of declaratory orders or to determine the applicability of the board's rules or orders to a particular individual or situation. These rules establish such a procedure.

Preschool Program for Language Development 301-32

These rules provide the procedural framework for participation in the preschool program established by the General Assembly. The rules set out eligibility criteria for participation by school districts and how districts are selected to participate. The procedures for selecting a district council, developing a district plan, and determining the eligible students are detailed.

Adult Literacy 301-34

These rules establish how literacy programs may apply to the State Board for grants to provide literacy instruction for adults. The criteria for the programs is stated, as well as the requirements to be met by grant recipients.

Waiver of Statute and Rule 301-35

If a school district seeks a waiver of any requirement of Title 22 of the Colorado Revised Statutes or of the rules of the State Board, the procedure to be followed is established by these rules. The criteria by which the waiver request will be judged are stated.

Interdistrict Public Schools of Choice Pilot Program 301-36

When the General Assembly provided funding for an interdistrict schools of choice program, these rules were enacted to set forth the parameters which would guide the Department of Education in selecting which programs were to receive funds.

Administration of the Educator Licensing Act of 1991 **301-37**

These rules establish the requirements that an individual must meet to obtain and maintain a license or authorization to teach. The following key topics are covered in the rules:

- Types of licenses and authorizations and the requirements for each, including assessments.
- Endorsements
- Induction programs for teachers, administrators, principals, and special service providers
- Approved teacher education programs
- Transition from certificate to license
- Denial, suspension, revocation, or annulment of licenses
- Alternative licensure programs
- License renewal

Administration of the Public School Finance Act **301-39**

These rules set forth how funding of school districts is determined under the current laws. Information on the following topics is contained in the rules: counting pupils in determining pupil enrollment, establishing full time pupil membership, establishing a local district's revenue base, payments for students placed outside their districts of residence, program standards for eligible facilities with on-grounds schools.

Federal Statutes

This section includes federal statutes which may directly impact the manner in which a charter school operates. Please review each statute and determine how your charter school will comply with the law, if it is applicable to your situation.

Family and Medical Leave Act requires employers with 50 or more workers in a 75-mile radius to provide eligible employees up to 12 work weeks of leave in a 12 month period when the leave is requested for (1) birth, adoption or foster care placement, (2) care for a sick spouse or parent, or (3) a personal serious health condition. 29 U.S.C. §2611 et. *seq.(1993).* Information: Wage & Hour Administrator of the U.S. Department of Labor (202) 219-8305. (Request referral to regional Wage <£ Hour office.)

Americans with Disabilities Act prohibits discrimination by an employer who employs 15 or more workers against a qualified individual with a disability. 42 U.S.C. §12101-12213 (1991). Information: Equal Employment Opportunity Commission (202) 663 4900 or Office of the Americans with Disabilities Act, Civil Rights Division of the Department of Justice (202) 51s0301.

Bilingual Education Act prohibits federally assisted education programs from excluding a student on the basis of a surname or language minority status. 20 U.S.C. §7401 et. seq. Information: U.S. Department of Education (202) 205-5576.

Rehabilitation Act of 1973 (Section 504) prohibits recipients of federal funds from discriminating against an individual on the basis of disability. 29 U.S.C. §§700 *et. seq.* (1994). Information: Office of Special Education Programs, U.S. Department of Education (202) 2059056.

Fair Labor Standards Act establishes minimum wage, overtime pay, equal pay, record keeping, and child labor standards for employees who are within the coverage of the FLSA and who are not exempt from specific provisions. 29 U.S.C. §201 *et seq.* (1988). Information: Wage and Hour Administrator of the U.S. Department of Labor (202) 219-8305. (Request referral to regional office.)

Equal Pay Act prohibits employers from paying wages to employees of one sex at rates of pay less than the rates they pay employees of the opposite sex for work requiring equal skill, effort, and responsibility, and which is performed under similar working conditions. 29 U.S.C. §206(d). Information: Wage and Hour Administrator of the U.S. Department of Labor (202) 219-8305. (Request referral to regional office.)

Age Discrimination - in Employment Act generally prohibits employers from discriminating on the basis of age in the hiring, termination, benefits, or other terms and conditions of employment of individuals over 40 years of age. This act applies to public schools and employers who employ 20 or more employees. 29 U.S.C. §§621-634. Information: Equal Employment Opportunity Commission (202) 663-4900.

Title VI of the Civil Rights Act of 1964, as interpreted by the U.S. Supreme Court *in Lau v. Nichols,* 414 U.S. 563 (1974) and the United States Court of Appeals for the 5th Circuit in *Castaneda v. Pickard,* 648 F.2d 989 (5* Cir. 1981), requires public schools to provide any alternative language programs necessary to ensure that national origin minority students with limited-English proficiency have meaningful access to education programs. 42 U.S.C. §2000d *et. seq.* (1993). Information: Office of Civil Rights, U.S. Department of Education (202) 2055413.

Title VII of the Civil Rights Act of 1964 forbids employers who have 15 or more employees to discriminate against individuals in all areas of the employment relationship if the action is based on race, color, religion, sex, or national origin. 42 U.S.C. §2000e *et. seq.* (1993). Information: Equal Employment Opportunity Commission (202) 663-4900.

Title IX of the Education Amendments of 1972 prohibits gender-based discrimination by an educational institution that receives federal financial assistance. 20 U.S.C. 1681 Information: Office of Civil Rights, U.S. DepallLllent of Education (202) 205-5413.

Individuals with Disabilities Education Act requires school receiving federal financial assistance to provide a free and appropriate education to children with disabilities. 20 U.S.C. §1400, *et. seq.* Information: Office of Special Education Programs, U.S. Department of Education (202) 205-9056.

Immigration Reform and Control Act of 1986 creates civil and criminal sanctions for employers who fail to properly verify the employment eligibility of all workers hired after November 6, 1986. 8 U.S.C. §§1324a and 1324b (1988). Information: contact local Immigration & Naturalization Service. (Request information regarding Form I-9.)

Omnibus Transportation Employee Testing Act of 1991 requires to conduct pre-employment/pre-duty, reasonable suspicion, random and post-accident alcohol and controlled substances testing of each applicant for employment or employee who is required to obtain a commercial driver's license. 49 U.S.C. §2717. Information: Department of Transportation Office of Drug Enforcement and Program Compliance (202) 366-3784.

Occupational Health and Safety Act of 1970 regulates health and safety in the workplace, including handling and disposal of materials that may contain blood-borne pathogens. 29 U.S.C. §651 *et. seq.* (1993). Information: Occupational Health and Safety Administration, U.S. Department of Labor (202) 219-8667.

Family Educational and Privacy Rights Act confers upon students (and their parents) rights of notice, access, amendment and confidentiality with regard to their educational records maintained by a school that received federal financial assistance. 20 U.S.C. § 1232g. Information: Family Policy Compliance Office, U.S. Department of Education (202) 260-3887.

Organizations and Resource Persons

CDE General Contact Person

- Bill Windler
- Commissioner's Office
- 201 East Colfax Avenue
- Denver, CO 80203
- Phone: 303-866-6631 fax: 303-830-0793

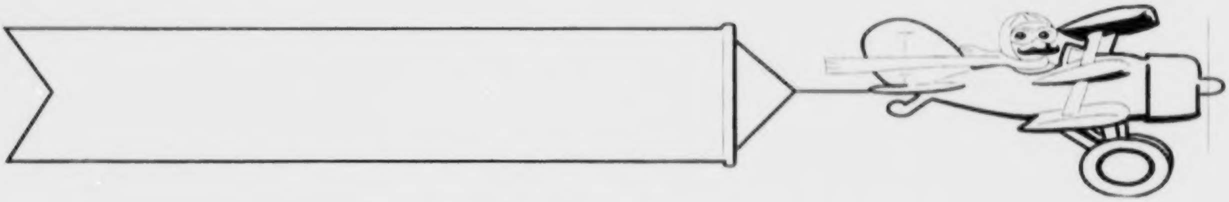
CDE - Major Phone Numbers

All phone numbers are area code 303

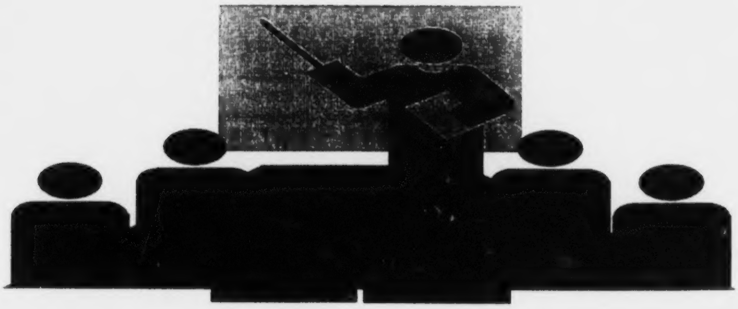
Assessment Office	866-6664
Charter Schools	866-6631
Commissioner's Office	866-6646
Communication Center	866-6937
Connect Project	894-2140
Early Childhood Initiative	866-6710
Educator Licensing	866-6628
GED Testing	866-6613
Legislative Information	866-6808
Nutrition and Transportation	866-6661
Prevention Initiatives	866-6861
Public School Finance	866-6847
Regional Educational Services Unit	866-6637
Research and Evaluation	866-6840
Resource Center	866-6618
School Effectiveness	866-6749
Special Education	866-6885
Special Services	866-6782
State Board of Education	866-6817
Title I	866-6777
Title VI and VII	866-6780
CDE General Number	866-6600

CDE Home Page-http://www.cde.state.co.us

Staff members of the Colorado Department of Education are here to assist you in providing all children in Colorado with the best education possible. Please call on us.



Organizations/ Resources



Clayton Foundation

3801 Martin Luther King Blvd.
Denver, CO 80205
303/355-4411
Adele Phelan

Early childhood education resources.

Colorado Children's Campaign

1600 Sherman Street, S.# B300
Denver, CO 80203
303/839-1580
Barbara O'Brien, Executive Director

The Children's Campaign, one of the early advocates for charters, continues to offer advocacy and assistance on legislation.

Colorado Education and Library Directory

Published by CDE. Available in public schools and district officed and public libraries. It lists all Colorado public schools, school districts, and libraries, and includes a long list of educational organizations. It may be purchased at CDE, Communications Office, 303/866-6937.

Colorado Department of Education On-Line Resources

1. **School Model Programs Database.** This is an online computer database describing innovative and effective programs in Colorado and providing contact names and numbers. It can be accessed anywhere in Colorado through the CARL system. Call Christine Hamilton-Pennell at the CDE Resource Center for more information, 303/866-6617.
2. **Standards Based Education Resource Bank.** This CD-Rom includes examples and ideas on content standards and assessments. For information, contact Debbie Bernau, CDE, 303/866-6915. An order form is included as Appendix "F".

Colorado Commission on Indian Affairs

Office of Lt. Governor
State Capital, Rm 130
Denver, CO 80203
303/866-3027

Colorado Department of Social Services

Child Care Services
1575 Sherman St.
Denver, CO 80203
303/866-3628

Information on requirements for programs for children under six. Preschool programs are not supported under the Charter Schools Act.

Independence Institute
14142 Denver West Parkway, #101
Golden, CO 80401
w: 303/279-6536

This organization can provide advice on how to get a charter school approved.

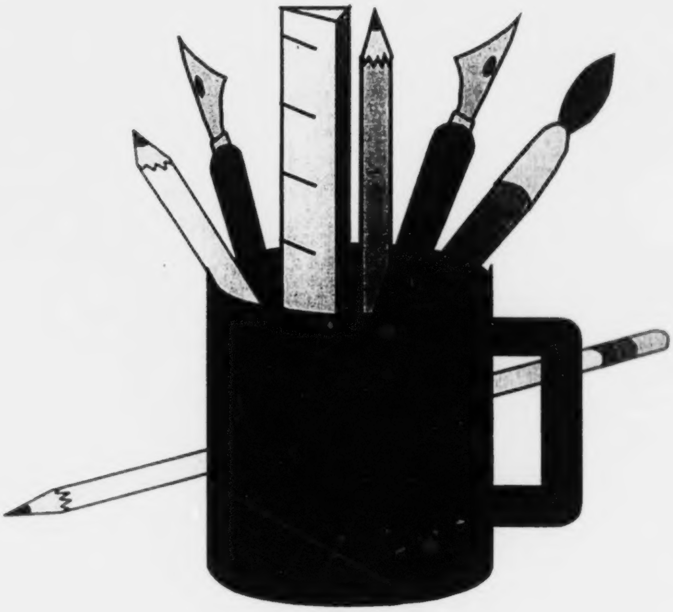
Latin American Research and Service Agency (LARASA)
309 West 1st Avenue
Denver, CO 80223
303/722-5150
Maria Guajardo, Executive Director

Colorado League of Charter Schools
Contact: Jim Griffin
7700 W. Woodard Drive
Lakewood, CO 80227
303/989-5356

This is an association of persons starting or supporting charter schools in Colorado. Its purpose is to help get information out, provide a means for dialogue among participants, and promote the establishment and survival of successful charter schools.

Assistance with the School Site and Facility

a) Talk with your community's planning and zoning department and your local fire department.
b) Talk with the facilities director in your school district.
c) State building requirements can be discussed with the Department of Labor, Wayne Horn, Public Safety Section, phone 303-572-2919.



Colorado For-Profit Companies Assisting Charter Schools

School Business Management, Inc.
1900 Grant Street, Suite 1030
Denver, CO 303-860-1422

RESOURCE CENTERS FOR CHARTER SCHOOLS INFORMATION

August 1996

Adams State College Library
1st and Edgemont
Alamosa, CO 81102-0001
Contact: Diane Machado, Director
(719) 589-7781
Courier Code: WC - ADAMS STATE, Alamosa

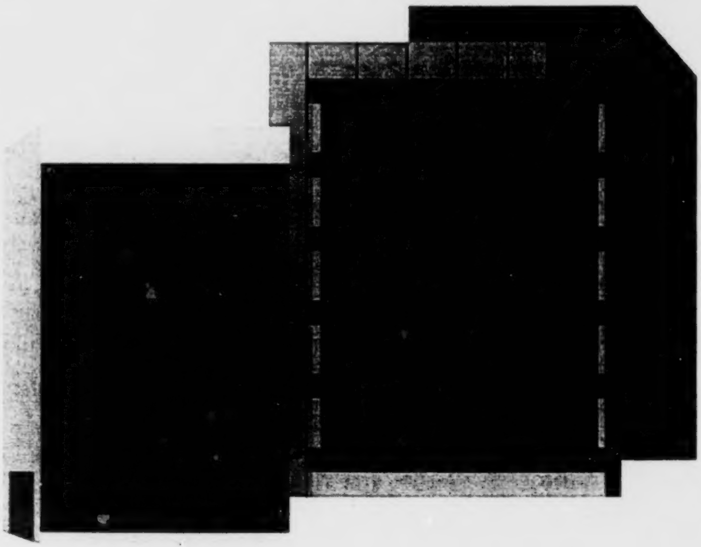
Aurora Central Library
14949 E. Alameda Drive
Aurora, CO 80012
Contact: Bette Yager, Librarian
(303) 739-6634
Courier Code: CC - AUR PL, Aurora

Berthoud Public Library
236 Welch Ave.
P.O. Box 1259
Berthoud, CO 80513-1206
Contact: Roberta Depp, Director
(970) 532-2757
Courier Code: Not on courier

Boulder Public Library
1000 Canyon Blvd.
P.O. Drawer H
Boulder, CO 80306-5120
Contact: Judith Waller
(303) 441-3195
Courier Code: CC - BPL, Boulder

Colorado Department of Education Resource Center
201 E. Colfax Ave., Room 106
Denver, CO 80203
Contact: Barbara Dey
(303) 866-6618

Cortez Public Library
802 E. Montezuma Ave.
Cortez, CO 81321-3355
Contact: Maryellen Brubaker, Director
(970) 565-8117
Courier Code: WC - CORTEZ



BEST COPY AVAILABLE

Delta Public Library
211 W. 6th
Delta, CO 81416
Contact: Ethel Jackson, Director
(970) 874-9630
Courier Code: WC - DELTA, Delta

Denver Public Library
Montbello Branch
12955 Albrook Drive
Denver, CO 80239-4704
Contact: Peg Hooper
(303) 373-0767
Courier Code: CC - DPL, Montbello

Fort Collins Public Library
201 Peterson Street
Fort Collins, CO 80524-2990
Contact: Pat Doughty, Media & Children's Services
(970) 221-6680
Courier Code: HP - FTC PL, Fort Collins

Jefferson County Public Library
Lakewood Library
10200 W. 20th Ave.
Lakewood, CO 80215
Contact: Janine Reid, Library Manager
(303) 275-2232
Courier Code: CC - JEFFCO PL, Lakewood

Koelbel Public Library
5955 South Holly
Littleton, CO 80121-3460
Contact: Carolyn McNee, Librarian
(303) 220-7704
Courier Code: CC - ALD, Littleton

Latin American Research and Service Agency
309 W. 1st Ave.
Denver, CO 80223
Contact: Maria Guajardo, Director
(303) 722-5150
Courier Code: Not on courier

Lamar Public Library
104 E. Parmenter
Lamar, CO 81502-3239
Contact: Susan Ooton, Director
(719) 336-4632
Courier Code: Not on courier

Mesa County Public Library District
530 Grand Ave.
P.O. Box 20000-5019
Grand Junction, CO 81502-5019
Contact: Kay Oxer, Head of Reference
(303) 243-4783
Courier Code: WC - GRAND JUNCTION

Montrose Library District
434 South First Street
Montrose, CO 81401-3909
Contact: Paul Paladino, Director
(970) 249-9656
Courier Code: WC - MONTROSE

Philip S. Miller Library
961 S. Plum Creek Blvd.
Castle Rock, CO 80104
Contact: Moira Armstrong, Reference
(303) 688-8721
Courier Code: CC - DO PLD, Castle Rock

Pikes Peak Library District
5550 North Union Blvd.
P.O. Box 1579
Colorado Springs, CO 80901-1579
Contact: Janice McPherson, Reference Manager
(719) 531-6333 ext. 1301
Courier Code: PP - PPLD, Colorado Springs

Pikes Peak Library District
Penrose Public Library
20 North Cascade Ave.
P.O. Box 1579
Colorado Springs, CO 80901-1579
Contact: Jody Jones, Local Documents
(719) 531-6333 ext. 2253 Courier Code: PP - PPLD, Colorado Springs (Penrose)

Pitkin County Library
120 North Mill Street
Aspen, CO 81611
Contact: Jocelyn Durrance, Adult Services Librarian
(970) 925-4025
Courier Code: WC - ASPEN

Pueblo Library District
McClelland Library
100 East Abriendo Ave.
Pueblo, CO 81004-4290
Contact: Charles Turner, Readers & Information Serv. Supervisor
(719) 543-9600
Courier Code: AV - PLD, Pueblo

Sterling Public Library
P.Co. Box 4000
Sterling, CO 80751-4000
Contact: Sandy Van Dusen, Director
(970) 522-2023
Courier Code: HP - STERLING PL, Sterling

Summit County Library-South Branch
504 Airport Road
Box 96
Breckenridge, CO 80424-0096
Contact: Julie Commons, Branch Director
(970) 453-6098
Courier Code: WC - FRISCO, Breckenridge

Weld Library District
2227 23rd Ave.
Greeley, CO 80631
Contact: Luella Kinnison, Director
(970) 330-0208
Courier Code: HP - WLDLD, Greeley

Westminster Public Library
3031 West 76th Avenue
Westminster, CO 80030-4909
Contact: Mary Oswalt
(303) 429-8311, ext. 2303
Courier Code: CC - WES PL, Westminster

Woodruff Memorial Library
522 Colorado Ave.
P.O. Box 479
La Junta, CO 81050-0479
Contact: Debbie Cosper, Director
(719) 384-4612
Courier Code: No courier

RESOURCES ON CHARTER SCHOOLS

Prepared by: Resource Center
Colorado Department of Education
August, 1996

GENERAL INFORMATION ABOUT CHARTER SCHOOLS

Becker, Henry J., et al. Parent Involvement Contracts in California's Charter Schools: Strategy for Educational Improvement of Method of Exclusion? Los Alamitos, CA: Southwest Regional Laboratory, 1995.

Many deregulated public charter schools are emphasizing parental involvement. But to what extent do the initiators of these charter schools use parent involvement and parent contracts to restrict enrollment to students whose parents demonstrate the desired commitments and willingness to meet school expectations? To explore this question, this paper reports on: (1) findings from a survey of 28 charter schools and 39 comparison schools in the same California communities; and (2) an examination of parent contracts in use at 23 of the charter schools. The survey elicited response rates of 62 and 51 percent for charter schools and traditional schools, respectively. The overall tenor of the parent contracts used at most of the charter schools suggests that the contracts are viewed as a means of obtaining compliance rather than as a positive vehicle for encouraging the growth of a more inclusive school community. These contracts seem to permit schools more leverage over parents. Furthermore, a major reason charter schools have higher levels of parent involvement may be that the more school-participation-oriented families select themselves into charter-school enrollment; meanwhile, parents who lack the initial interest or circumstances conducive to participation reject the opportunity to join such a school. It is concluded that, to some extent, schools are being organized to exclude students based on a new criterion of undesirability--the criterion of having supportive and educationally involved parents. Nine tables are included. [ERIC Abstract]

Bierlein, Louann A. and Lori A. Mulholland. "The Promise of Charter Schools," Educational Leadership, vol. 52, no. 1 (September 1995), pp. 34-40.

Charter schools are independent legal entities empowered to hire and fire, handle lawsuits, and control their own finances. Charter schools require new relationships with school boards, utilize site-based decision making, and foster new teacher roles. Minnesota, California, and Massachusetts are experimenting with charter schools. A sidebar provides start-up tips. [ERIC Abstract]. Available from the Association for Supervision and Curriculum Development, 1250 N. Pitt Street, Alexandria, VA (703) 549-9110.

Bierlein, Louann A. "Catching on But the Jury's Still Out." Educational Leadership, vol. 53, December 1995/January 1996, pp. 90-91.

The writer reflects on the current state of charter schools in the U.S. She notes that since City Academy in St. Paul, Minnesota, opened in 1992, there has been a flurry of activity to offer parents these alternatives to traditional schools. She discusses the variety of charter school offerings, positive developments that have spurred innovative activities, and problems incurred by charter schools. Available from the Association for Supervision and Curriculum Development, 1250 N. Pitt Street, Alexandria, VA (703) 549-9110.

Bierlein, Louann and Lori Mulholland. Charter School Update: Expansion of a Viable Reform Initiative. Tempe: Morrison Institute for Public Policy, 1993.

This report provides information on activities and legislation in eight states with charter schools legislation, including roles played by individual teachers and others as organizers, by local school boards as sponsors, and by county or state officials in providing an appeals process and technical assistance. The authors believe that charter schools offer many potential reforms for education. Available from the Morrison Institute for Public Policy, School of Public Affairs, Arizona State University, Tempe, Arizona 85287-4405 (602) 965-4525.

Bierlein, Louann and Lori Mulholland. Charter School Update & Observations Regarding Initial Trends and Impacts. Tempe: Morrison Institute for Public Policy, 1995.

This briefing builds upon previous work by the Morrison Institute, updating activities across the 12 initial charter states (Wyoming has now joined the list) and offering observations on some initial trends and impacts. Available from the Morrison Institute for Public Policy, School of Public Affairs, Arizona State University, Tempe, Arizona 85287-4405 (602) 965-4525.

Blackmon, Marilyn and David S. D'Evelyn. "Charter Schools: Colorado's Mandate for Change," Independence Issue Paper no. 11-93, April, 1993.

A parent and an educator discuss the merits of charter schools. Blackmon, a Boulder parent, focuses on the advantages of magnet programs in improving education. These include increased choice for parents; equity in terms of access and respect for diversity; explicit performance goals; increased community and parent support; reduction in dropouts; improvement in teaching; higher standards and achievement for all; and strong leadership. D'Evelyn discusses what charter schools are--and aren't. He lists nine arguments for charter schools, and debunks the myths about them. He argues strongly that charter schools are the most effective approach available for the long-range restructuring of public education. Available from Independence Institute, 14142 Denver West Parkway #101, Golden, CO 80401 (303) 279-6536.

"Breaking Away: the Charter School Revolution" (symposium). Education Week, vol. 15, November 29, 1995, supp. pp. 3-15.

A special section on the charter school revolution discusses charter schools' endeavors to reinvigorate education, whether the charter school movement is an idea whose time has come and gone, and the charter school movement in Arizona. [Education Abstracts]

Budde, Ray. Education by Charter: Restructuring School Districts: Key to Long-Term Continuing Improvement in American Education. Andover, MA: The Regional Laboratory for Educational Improvement of the Northeast and Islands, 1988.

Education by Charter is offered as one model for restructuring the local school district. This document is one of the first major works about charter schools and is often cited. "Hometown Public Schools" is tracked over a ten-year period during which the charter school concept is introduced and implemented.

Buechler, Mark. "Charter Schools: Legislation and Results after Four Years." Policy Report, January 1996. Bloomington, IN: Indiana Education Policy Center, Indiana University.

Reviews charter schools legislation and identifies provisions which indicate whether the laws are expansive or restrictive. Available from Indiana Education Policy Center, School of Education Office, Smith Center for Education, Suite 170, Indiana University, Bloomington, IN 47408-2698, (812) 855-1240.

Charter School Newsletter.

This newsletter provides information about charter schools and the charter process in Massachusetts. Available from: Pioneer Institute for Public Policy Research, Charter School Resource Center, 85 Devonshire St., 8th Floor, Boston, MA 02109 (617) 723-2277.

"Charter Schools," Changing Schools, v.21, no.3, November, 1993, whole issue on charter schools.

This issue includes the following articles: "The States Begin to Withdraw the 'Exclusive,'" by Ted Kolderie; "Charter Schools: A Tool for Reinventing Public Education," by Governor Roy Romer; "Successful Strategies for Charter Schools: A Checklist," by Mary Ellen Sweeney; "Charter Schools: An Entrepreneurial Approach to Public Education," by Joan Wilt; "California's Charter Schools," by Pamela A. Riley; "Charter Schools Start in Minnesota," by Wayne B. Jennings; "Alternative and Mainstream Educators Seize California Charter Opportunity," by Eric Premack; and "A Caution: Let's Not Let Charter Schools Widen the Gap Between the Haves and the Have-Nots!" by Fredric Posner. Available from Mary Ellen Sweeney, 534 Detroit St., Denver, CO 80206, (303) 331-9352.

"Charter Schools: Reform Model or Privatization Scheme?" Rethinking Schools, v.8, no.4, Summer 1994, pp. 3, 20-21.

Barbara Miner of Rethinking Schools interviews Ann Bastian, Senior Program Officer at the New World Foundation in New York. Bastian identifies three types of charter schools: those created out of existing schools within the current system; those created by parents, teachers or other groups that operate under a charter, or contract, with a local or state public school system; and those which operate independently under a private contractor. Bastian believes only the first option offers the possibility of true change. She offers eight principles to use when evaluating a charter school plan. Available from Rethinking Schools, 1001 E. Keefe Ave., Milwaukee, WI 53212, (414) 964-9646.

Charter Schools...What Are They Up To? A 1995 Survey. Denver, CO: Education Commission of the States; Minneapolis: Minnesota University, Hubert H. Humphrey Institute of Public Affairs, 1995.

This booklet presents findings of a study that gathered information about charter schools. Representatives of more than 170 public charter schools were surveyed by mail, telephone or at national and regional meetings. Approximately 120 surveys were returned by representatives of 110 charter public schools in seven states--California, Colorado, Massachusetts, Michigan, Minnesota, New Mexico, and Wisconsin. Findings indicate that most charter schools were small; the mean size was 287 students. Two-thirds of the schools were designed to serve a cross-section of students, and 56 percent were designed to serve at-risk students. The most frequently cited academic focus was "integrated interdisciplinary curriculum," followed by "technology" and "back to basics." The most common methods of reporting student progress included standardized tests, student portfolios, parent surveys, and student demonstrations of mastery. The biggest barriers to starting a charter school were lack of startup funds, finances, and problems with facilities. Respondents offered the following advice to those considering operating a charter school: (1) establish a clear vision and mission; (2) allot plenty of time for planning; and (3) be prepared to work hard. They also urged legislators to provide sufficient autonomy for the schools via contracts with groups other than local school districts, direct state funding, and freedom from local labor-management agreements. Thirty tables are included. Appendices contain a copy of the survey and an excerpt from an April 1995 "Policy Brief" on charter school activities across the United States. [ERIC Abstract]. Available From: ECS Distribution Center, 707 17th

Street, Suite 2700, Denver, CO 80202-3427 (Stock No. SI-95-1; $7.50 plus $2.50 postage and handling; accepts prepaid orders and honors organization purchase orders; no credit cards; discounts available for bulk orders of single publications).

Contreras, A. Reynaldo. "The Charter School Movement in California and Elsewhere." Education and Urban Society, vol. 27, no. 2, February 1995, pp. 213-28.

Examines the charter school movement in California and elsewhere, defines a charter school, gives its historical roots, and summarizes the availability of charter schools in states where they are authorized. The author indicates that charter schools are sought mainly in disadvantaged urban communities and that these schools are not facing strong opposition from professional educators. [ERIC Abstract]

Dianda, Marcella R. and Ronald G. Corwin. "Start-Up Experiences: A Survey," Educational Leadership, vol. 52, no.1, September 1995, pp. 42-43.

A survey shows that California's charter-schools movement is being shaped by the special features of the state's charter law--exclusive local oversight and ambiguous legal status. Each school must negotiate how it handles its local school board, teachers' unions, and lack of start-up funding and technical assistance. Most charter schools seek freedom, not autonomy. [ERIC Abstract]. Available from the Association for Supervision and Curriculum Development, 1250 N. Pitt Street, Alexandria, VA (703) 549-9110.

Dittmar, Belinda Corazon, et al. "Charter Schools: An Experiment in School Reform," ASPIRA Issue Brief. Washington, DC: National Office, 1995.

Charter schools incorporate the focus of magnet schools but often go beyond their academic specialization to more social goals. They can operate at both elementary and secondary levels, although they are always quite small. The greatest difference, however, between charter schools and other public schools is their status as a bridge between public and private institutions. Charter schools operate on a charter, or contract, between the school's founders and the state government or school district. They are largely exempt from school board regulations, promising improvement in student performance in exchange for the freedom to experiment with innovative approaches to learning. Some case studies illustrate urban charter schools in action. Concerns about charter schools can be grouped into concerns about: (1) accountability; (2) jurisdiction; (3) funding; (4) privatization; (5) discrimination; and (6) impact on other public schools. Review of these concerns and an exploration of the opportunities charter schools can provide lead to the conclusion that the experimental nature of charter schools is both their greatest risk and their greatest strength. [ERIC Abstract]. Available From: Publications, ASPIRA Association, Inc., National Office, 1112 16th Street, N.W., Suite 340, Washington, DC 20036 ($1).

Finn, Chester E.; Manno, Bruno V.; and Bierlein, LouAnn. "Charter Schools in Action: What Have We Learned?" Indianapolis, IN: Hudson Institute, 1996.

This report takes a retrospective look at the status of charter schools - what they are, the environments in which they operate, and what they've accomplished. It focuses on charter schools' start-up problems (funding, legal restrictions, governance issues), possible solutions to these difficulties, and the policy environments in which such schools are most apt to thrive or falter. The report finds that strong charter laws maximize the schools' freedom, especially in areas such as staff selection, resource allocation and collective bargaining. Research indicates that charter schools are serving large numbers of needy, troubled and minority children. Available from Hudson Institute, P.O. Box 26-919, Indianapolis, IN 46226, (317) 549-4148, $5.00 + $2.00 shipping & handling. Must be prepaid--Visa and MasterCard accepted. The text is also available via the World Wide Web at **http://www.hudson.org/hudson** or **http://www.edexcellence.net**.

Finn, Chester E., and Ravitch, Diane. "Magna Charter?" Policy Review, no. 74, Fall, 1995, pp.41-46.

This article refers to two competing paradigms of education reform: the top-down, government-imposed "systemic reform" model and the decentralized "reinventing education" paradigm. Charter schools, school choice and private management of schools are some of the diverse strategies advocated under the latter paradigm, and they have gained support in 1995.

Kolderie, Ted. The Charter Idea: Update and Prospects. St. Paul, MN: Center for Policy Studies, 1995.

The Minnesota "guru" of the charter school movement summarizes legislative developments, how charter schools are working, and charter schools as systemic change mechanisms. Available from Center for Policy Studies, 59 West Fourth Street, St. Paul, MN 55102, (612) 224-9703. Also available on their web site: **http://edreform.com/pubs/kolderie.htm**.

Lewis, Anne C. "Public Schools, Choice, and Reform." Phi Delta Kappan, vol. 77, December 1995, pp. 267-8.

Developments in the area of school governance and choice are discussed. In a surprisingly short amount of time, the debate about charter schools has moved from the issue of whether or not to have them to the issue of how autonomous they should be. Interest in charter schools and in actual "start-ups" has been vigorous where charter laws have granted a great deal of independence to the schools. In addition, those who oppose charter schools are no longer trying to defeat the laws and are instead supporting the passage of weak laws, according to the Education Commission of the States. Congressional proposals for voucher programs, the Milwaukee voucher plan, and the privatization of public schools are also discussed. [Education Abstracts].

MacLean, John. "The Marketing of Charter Schools: Caveat Emptor." Planning & Changing, vol. 26, Spring/Summer 1995, pp. 91-104.

Charter schools, as one version of free market education, are discussed. In comparison to other forms of free market education, charter schools are seen as a less extreme form of free market education. They are characterized by six common standards: parent involvement, innovative learning opportunities, accountability, autonomy, competition, and independence from bureaucracy. Supporters maintain that charter schools will empower parents, motivate innovation, enhance student achievement, and shake up the education system. However, there is no evidence to suggest that any of these claims have been substantiated. Although charter schools have been marketed as laboratories of innovation, many of them are converted public schools that institute programs and practices that mirror those in public school settings. Pending further research on the impact of charter schools, potential consumers of this system of education should exercise caution. The experience of charter schools in three states, California, Massachusetts, and Minnesota, is examined. [Education Abstracts]

McCotter, Sage. Charter Schools Issue Brief. Denver, CO: Education Commission of the States, 1996.

Summary of the charter schools movement, including general features of charter schools, summary and analysis of state laws, and what has been learned so far. Available on Education Commission of the States Web site: **http://www.ecs.org/ecs/2172.htm** or from ECS, 717 17th Street, Suite 2700, Denver, CO 80202-3427, (303) 299-3600.

Medler, Alex. "Promise and Progress" (survey of 110 charter schools after their first five years). The American School Board Journal, vol. 183, March 1996, pp. 26-8.

A survey on how charter schools are progressing after their first five years is discussed. The survey of 110 charter schools found that these schools aim to serve the same populations of children as traditional public schools; their greatest difficulties include a lack of start-up funds, problems in finding appropriate facilities, and general financial difficulties; their personnel differ from those in most public schools in that 58 schools reported that all of their staff were certified, 38 had hired uncertified teachers, and 41 reported that not all of their administrators were certified; and the schools used a wide variety of accountability mechanisms for assessing students. [Education Abstracts]

Morrison, Lori. "Charter Schools: The Research." Policy Brief, January 1996.

This report summarizes state level research, national research and the future of charter schools. Available from Morrison Institute for Public Policy, School of Public Affairs, Arizona State University, P. O. Box 874405, Tempe, Arizona 85287-4405, (602) 965-4525. Also on the Center for Education Research web site: **http://edreform.com/charters.htm**.

Mulholland, Lori A. and Bierlein, Louann A. Understanding Charter Schools. (Fastback 383). Bloomington, IN: Phi Delta Kappa Educational Foundation, 1995.

Charter schools may provide part of the answer to increased demand for restructuring and school accountability/autonomy. This handbook describes in detail the organization and operation of charter schools. Chapters define charter schools, describe their appeal and the approval process, present a model charter-school structure, discuss innovative state legislation regarding charter schools, provide samples of charter-school programs, and outline the creation and operation of a charter school. A chapter titled "The Effect of Charter Schools" notes the following observable trends: (1) school environments are being created in response to student and parent desires; (2) numerous at-risk students are being served; (3) unique business and community partnerships are being formed; (4) larger percentages of existing funds are being focused on instruction; (5) ripple effects are becoming visible across the broader system; and (6) charter schools are not immune from problems. A conclusion is that organization is one of the most time-consuming tasks; however, those people involved with charter schools see it as a bold reform with great promise. One figure is included. [ERIC Abstract]. Available From: Phi Delta Kappa Educational Foundation, 408 N. Union, P.O. Box 789, Bloomington, IN 47402-0789.

Nathan, Joe and Power, Jennifer. Policy-Makers View the Charter School Movement. Minneapolis, MN: Humphrey Institute, University of Minnesota, 1996.

This report surveyed 50 legislators and policy-leaders in seven states to determine why legislators had proposed charter legislation and what recommendations policy-makers would suggest for strengthening charter laws. Available from The Center for School Change, Humphrey Institute, University of Minnesota, 301 19th Avenue South, Minneapolis, MN 55455, (612) 626-1834.

Phi Delta Kappa. The Alternative School Choice. Bloomington, IN: PDK Center on Evaluation, Development and Research, Hot Topic Series, 1981.

This publication is a compilation and reprinting of 32 research-based articles and professional opinions from a variety of sources on alternative schooling. It covers characteristics, descriptions, roles, evaluations and the future of alternatives.

Raywid, Mary Anne. "The Struggles and Joys of Trailblazing: A Tale of Two Charter Schools." Phi Delta Kappan, vol. 76, no. 7, March 1995, pp. 555-60.

The intent of charter schools is to become autonomous entities, free from the laws constraining public schools but accountable for student outcomes. This article describes the development of two very different charter schools in the Jefferson County (Colorado) School District. Although one is an "old-fashioned" alternative school and the other stresses back-to-basics, both are carefully crafted exemplars of their respective genres. [ERIC Abstract]

Saks, Judith Brody. "Scrutinizing Edison." American School Board Journal, vol. 182, no. 2, February 1995, pp. 20-24, 25.

Describes the arrangements in Mount Clemens, Michigan, and Boston, Massachusetts, with the Edison Project. In this public-private partnership, Edison will be responsible for curriculum, facilities management, professional development, personnel, and food service. Cites other school districts considering having Edison schools. A sidebar summarizes the 10 basic components of the Edison design. [ERIC Abstract]

Schnaiberg, Lynn. "Growing Pains" (finances of charter schools). Teacher Magazine, vol. 7, March 1996, pp. 10-11.

The problems facing the new charter school movement are discussed. Charter schools are public entities in that they subsist on tax dollars, but they differ in that they are free from many of the regulations that govern other public schools. Supporters feel that this independence enables charter schools to better serve their students, but it also has a financial downside. A survey of approximately 100 charter schools in seven states revealed that the top three obstacles were a lack of start-up money, general finances, and facilities. [Education Abstracts]

Schneider, Joe and Dianda, Marcella. "Coping with Charters." School Administrator, vol. 52, no. 7, August 1995, pp. 20-23.

School administrators are advised to welcome charter schools. Superintendents should incorporate charter schools into their overall strategy, be boosters, provide visibility and recognition, neutralize hostile allies, make central office staff available, establish contact persons, and expedite financial matters. If academic achievement fails to improve, the district should withdraw its sponsorship. [ERIC Abstract]

Shanker, Albert. "Parents under contract." American Teacher, vol. 80, February 1996, p. 5.

The writer discusses charter schools. Laws passed in 19 states allow parents, teachers, nonprofit groups, and others to establish new public schools or to remake existing schools outside the regular system. Supporters of these new charter schools point to the importance of their movement for disadvantaged children. However, researchers have found that the formal, legalistic requirements for parental participation seem to discourage many parents--parents of children who most need help. Most schools outline requirements in a written "contract," and many specify penalties for failure to meet these obligations. [Education Abstracts]

Walsh, Mark. "Charters' Impact on Parent Involvement Studied." Education Week, vol. 14, June 14, 1995, p 8.

A study of charter schools in California, including 23 schools that require parents to sign contracts promising some level of involvement, found that charter schools with parent contracts had about the same level of parent involvement as charter schools that did not have them. In general, charter schools have higher levels of parental involvement than regular public schools. [Education Abstracts]

Watkins, Tom. "So You Want to Start a Charter School?" Education Week, vol. 15, September 6, 1995, p. 40.

The writer defends the concept of charter schools, while acknowledging some of the risks associated with them. He identifies three types of charter school advocates: zealots and ideologues; entrepreneurs; and child-, parent-, and teacher-centered reformers. He believes that public charter schools offer public school teachers the best route to assuming their rightful role as true education professionals. [Education Abstracts]

Wohlstetter, Priscilla and Lesley Anderson. "What Can U.S. Charter Schools Learn from England's Grant-Maintained Schools." New Brunswick, NJ: Consortium for Policy Research in Education, 1992.

In his America 2000 Education Strategy, President Bush proposed the establishment of a new generation of public schools -- charter schools-- as part of a long-term plan to achieve the six national education goals. As envisioned by the president, states will contract directly with "America 2000 Communities," conceived in the strategy as any group of people who can demonstrate a commitment to operate a school. Charter schools also have emerged on state policy agendas, and the nation's first charter school, a Montessori school in rural Minnesota, has been approved. In contrast, England's charter schools, known as grant-maintained schools, already have some history; so far 219 schools at all levels have opted out of the local authority since 1988. This paper highlights what has been learned about charter schools from England's experience over the past three years. Offered first is an overview of the charter school concept and how charter schools work in practice. Provided are specific lessons for policy makers and practitioners about strategies for success (i.e. conditions and types of support that are needed) and about some of the challenges that face charter schools in the 1990's. [ERIC abstract]

HOW-TO HELP FOR CHARTER APPLICANTS AND SCHOOL DISTRICTS

Primary Resources: On the Internet:

http://www.uscharterschools.org	**U.S. Dept. of Education**
http://www.coreknowledge.org/	**Core Knowledge Foundation**
http://www.naschools.org/	**New American Schools**
http://edreform.com/	**Center for Education Reform**
http://carei.coled.umn.edu/Charterschools/NatChrtr.html	**National Charter School Study**
http://www.cde.state.co.us/charter.htm	**Colorado Dept. of Education**
http://csr.syr.edu/cgi-bin/bbs/db_contacts.cgi	**Charter School Research**

Charter School Application, 1995. Boston: Commonwealth of Massachusetts, Executive Office of Education, 1994.

This helpful document includes not only information relating to Massachusetts' charter school process, but also a section on defining characteristics of charter schools, a budget template, and a national charter schools directory. Available from the Executive Office of Education, One Ashburton Place, Room 1401, Boston, Massachusetts 02108.

The Charter School Chronicle: News and Analysis of Charter Schools and Charter School Law.

This journal provides updates on charter school legislation, and reports on networks and resources available to those interested in developing charter schools. Subscriptions, electronic bulletin board, and consulting services available from The Charter School Chronicle, 8355 Chippewa Trail, Mt. Pleasant, MI 48858, (517) 772-9115.

Colorado Association of School Boards. "Relations with Charter Schools" (Sample policies and regulations) Denver: The Association, 1996.

Sample policies and procedures for school districts keyed to the charter school legislation in Colorado. Available from Colorado Association of School Boards, 1200 Grant St., Denver, CO 80203-2306 (303) 832-1000. Request code LBD*-Relations with Charter Schools (Policy); and code LBD*-R Relations with Charter Schools (Regulations).

Core Knowledge Sequence. Charlottesville, VA: Core Knowledge Foundation, 1993.

The Core Knowledge Foundation is a non-profit organization founded in 1986 by E. D. Hirsch, Jr., author of Cultural Literacy. The Core Knowledge Sequence is a planned progression of specific knowledge in history, geography, mathematics, science, language arts, and fine arts that is meant to comprise about 50% of a school's curriculum, leaving ample room for local requirements and emphases. It represents a consensus of diverse groups and interests, including parents, teachers, historians, scientists, and experts on America's multicultural traditions. [from their information materials]. Available from the Core Knowledge Foundation, 2012-B Morton Drive, Charlottesville, Virginia, 22901, (800) 238-3233.

Halpern, Keith A. and Culbertson, Eliza R. Blueprint for Change: Charter Schools: A Handbook for Action. Washington, D.C.: Democratic Leadership Council, 1994.

Provides charter schools "activists" with a place to start. Contents include how to design and implement a successful charter program; advice from leaders in the charter school movement, existing charter school legislation, how some charter schools work, and information about other education reform movements. Available for $6.95 from the Council, 518 C Street, N.E., Washington, D.C. 20002 (202) 546-0007.

Making Charters Work: Strategies for Charter School Developers. Berkeley: California Business Roundtable, 1994.

This brief discusses the importance of establishing meaningful student outcomes and reliable assessments in order to implement and evaluate charter schools. It examines the ways some California charter schools have tackled this issue and provides suggestions for future charter developers. Available from BW Associates, 815 Allston Way, Berkeley, CA 94710 (510) 843-8574.

Manual on School Uniforms. Washington, D.C.: U.S. Department of Education Safe and Drug Free Schools Program, 1995.

This pamphlet provides information and model policies on use of school uniforms as a way to promote school safety, improve discipline, and enhance the learning environment. Available from U.S. Department of Education Safe and Drug Free Schools Program, (800) 624-0100. The full text is also available on the U.S. Department of Education World Wide Web site at **http://www.ed.gov/**.

Phi Delta Kappa. Restructuring Through Curriculum Innovation. Bloomington, IN: PDK, Exemplary Practices Series, 1993.

This publication describes 22 schools or programs that have achieved "restructuring" through bold new curriculum directions. These programs were developed as specific responses to student needs and abilities as well as community and teacher expectations. All emphasize voluntary association, small size, distinctive mission, staff autonomy, and holistic rather than remedial approaches to learning.

School Operational Plan. Buckeystown, MD: Jorgensen Charter Schools, 1994.

This manual explains the company's philosophy, school organization plan, curriculum, teaching methods, assessment systems, and turn-key work plan for setting up a new educational program. Available from Jorgensen Charter Schools, P.O. Box 70, Buckeystown, Maryland 21717 (301) 831-1000.

Semple, Martin. "Legal Issues in Charter Schooling." School Administrator, vol. 52, no. 7, August 1995, pp. 24-26.

The most likely legal issues to arise concerning charter schools include teacher employment and qualification issues, liability concerns, special-needs student issues, due process, religious issues, and contract rules. School leaders can head off problems by clarifying who is in charge, spelling out the mission statement, and dealing up front with charter terms. [ERIC Abstract]

A Few Internet Resources for Charter Schools

The BEST Internet Address for charter schools is: http://www.uscharterschools.org
This web site was established by WestEd for the United States Department of Education.

Other Internet Resources:

The CHARTERSCHOOLS listserv has 130+ subscribers and is facilitated by Jude Lynell Hollins (doctoral student at Syracuse University).
To subscribe, address an e-mail to: listserv@listserv.syr.edu
Write this (and nothing else) in the message:
    sub charterschools Yourfirstname Yourlastname
For past messages (archived by Ask ERIC), please see:
    gopher://ericir.syr.edu:70/11/Listservs/CSR-List
For help, Jude's e-mail address is: jlhollin@mailbox.syr.edu

EDInfo is a free information service that delivers 2-3 e-mail messages per week from the U.S. Department of Education. Each message features one new report, grants announcement, or update from the Department.
To subscribe, address an e-mail message to: listproc@inet.ed.gov
Write this (and nothing else) in the message:
    subscribe EDInfo Yourfirstname Yourlastname
    (If you have a signature black, please turn it off.)
For past EDInfo messages: http://www.ed.gov/MailingLists/EDInfo/
For help, please e-mail Peter Kickbush at: peter_kickbush@ed.gov

The Center for Education Reform web site includes charter schools information. Address: http://edreform.com/charters/htm. This site, maintained by Angela Dale, offers a range of information on charter schools, including: Charter School Highlights & Statistics-at-a-Glance, Resources for Charter Schools, National Center School Directory (1996), and papers by Joe Nathan, Lori Mulholland, Ted Kolderie, and others.

Charter School Researching
http://csr.syr.edu/

California Charter Schools
gopher://goldmine.cde.ca.gov?70/11/C_D_C_Info/Restructuring/Charter_Schools

Education Policy Analysis Archives web site includes hypertext charter school resources and an annotated bibliography.
http://seamonkey.ed.asu.edu/~gene/epaa/charter/contents.html

Appendix "A"

CHARTER SCHOOLS ACT

22-30.5-101. Short title.
22-30.5-102. Legislative declaration.
22-30.5-103. Definitions.
22-30.5-104. Charter school - requirements - authority.
22-30.5-105. Charter schools - contract contents - regulations.
22-30.5-106. Charter application - contents.
22-30.5-107. Charter application - process.
22-30.5-108. Appeal - standard of review - procedures.
22-30.5-109. Charter schools - restrictions - establishment - number.
22-30.5-110. Charter schools - term - renewal of charter - grounds for nonrenewal or revocation.
22-30.5-111. Charter schools - employee options.
22-30.5-112. Charter schools - financing - guidelines.
22-30.5-113. Charter schools - evaluation - report.
22-30.5-114. Repeal of part.
22-30.5-115. Construction of article - severability.

22-30.5-101. Short title. This part 1 shall be known and may be cited as the **"Charter Schools Act"**.

Charter Schools Act does not violate the equal protection clause of the United States Constitution. Because the act is facially neutral and does not implicate a fundamental right, the act must be reviewed under a rational relationship test. Colorado has a legitimate governmental interest in encouraging innovation in education and the act is rationally related to such an interest. Villanueva v. Carere, 873 F. Supp. 434 (D. Colo. 1994), aff'd, 85 F.3d 481 (10th Cir. 1996).

22-30.5-102. Legislative declaration. (1) The general assembly hereby finds and declares that:

(a) It is the obligation of all Coloradans to provide all children with schools that reflect high expectations and create conditions in all schools where these expectations can be met;

(b) Education reform is in the best interests of the state in order to strengthen the performance of elementary and secondary public school pupils, that the best education decisions are made by those who know the students best and who are responsible for implementing the decisions, and, therefore, that educators and parents have a right and a responsibility to participate in the education institutions which serve them;

(c) Different pupils learn differently and public school programs should be designed to fit the needs of individual pupils and that there are educators, citizens, and parents in Colorado who are willing and able to offer innovative programs, educational techniques, and environments but who lack a channel through which they can direct their innovative efforts.

(2) The general assembly further finds and declares that this part 1 is enacted for the following purposes:

(a) To improve pupil learning by creating schools with high, rigorous standards for pupil performance;

(b) To increase learning opportunities for all pupils, with special emphasis on expanded learning experiences for pupils who are identified as academically low-achieving;

(c) To encourage diverse approaches to learning and education and the use of different, proven, or innovative teaching methods;

(d) To allow the development of different and innovative forms of measuring pupil learning and achievement;

(e) To create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site;

(f) To provide parents and pupils with expanded choices in the types of education opportunities that are available within the public school system;

(g) To encourage parental and community involvement with public schools;

(g.5) To address the formation of charter schools;

(h) To hold charter schools accountable for meeting state board and school district content standards and to provide such schools with a method to change accountability systems.

(3) In authorizing charter schools, it is the intent of the general assembly to create a legitimate avenue for parents, teachers, and community members to take responsible risks and create new, innovative, and more flexible ways of educating all children within the public school system. The general assembly seeks to create an atmosphere in Colorado's public school system where research and development in developing different learning opportunities is actively pursued. As such, the provisions of this part 1 should be interpreted liberally to support the findings and goals of this section and to advance a renewed commitment by the state of Colorado to the mission, goals, and diversity of public education.

22-30.5-103. Definitions. (1) For purposes of this part 1:

(a) "At-risk pupil" means a pupil who, because of physical, emotional, socioeconomic, or cultural factors, is less likely to succeed in a conventional educational environment.

(b) "Local board of education" means the school district board of education.

(c) "State board" means the state board of education.

22-30.5-104. Charter school - requirements - authority. (1) A charter school shall be a public, nonsectarian, nonreligious, non-home-based school which operates within a public school district.

(2) A charter school shall be a public school within the school district that grants its charter and shall be accountable to the school district's local board of education for purposes of ensuring compliance with applicable laws and charter provisions and the requirement of section 15 of article IX of the state constitution. A charter school cannot apply to, or be granted a charter by, a school district unless a majority of the charter school's pupils will reside in the chartering school district or in school districts contiguous thereto.

(3) A charter school shall be subject to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or need for special education services. A charter school shall be subject to any court-ordered desegregation plan in effect for the school district. Enrollment must be open to any child who resides within the school district; except that no charter school shall be required to make alterations in the structure of the facility used by the charter school or to make alterations to the arrangement or function of rooms within the facility, except as may be required by state or federal law. Enrollment decisions shall be made in a nondiscriminatory manner specified by the charter school applicant in the charter school application.

(4) A charter school shall be administered and governed by a governing body in a manner agreed to by the charter school applicant and the local board of education. A charter school may organize as a nonprofit corporation pursuant to the "Colorado Nonprofit Corporation Act", articles 20 to 29 of title 7, C.R.S., which shall not affect its status as a public school for any purposes under Colorado law.

(5) Except as otherwise provided in sections 22-20-109, 22-32-115, and 22-54-109, a charter school shall not charge tuition.

(6) Pursuant to contract, a charter school may operate free from specified school district policies and state regulations. Pursuant to contract, a local board of education may waive locally imposed school district requirements, without seeking approval of the state board. The state board may waive state statutory requirements or rules promulgated by the state board. Upon request of the charter applicant, the state board and the local board of education shall provide summaries of such regulations and policies to use in preparing a charter school application. The department of education shall prepare the summary of state regulations within existing appropriations. Any waiver of state or local school district regulations made pursuant to this subsection (6) shall be for the term of the charter for which the waiver is made; except that a waiver of state statutes or regulations by the state board shall be subject to review every two years and may be revoked if the waiver is deemed no longer necessary by the state board.

(7) (a) A charter school shall be responsible for its own operation including, but not limited to, preparation of a budget, contracting for services, and personnel matters.

(b) A charter school may negotiate and contract with a school district, the governing body of a state college or university, or any third party for the use of a school building and grounds, the operation and maintenance thereof, and the provision of any service, activity, or undertaking which the charter school is required to perform in order to carry out the educational program described in its charter. Any services for which a charter school contracts with a school district shall be provided by the district at cost.

(c) In no event shall a charter school be required to pay rent for space which is deemed available, as negotiated by contract, in school district facilities. All other costs for the operation and maintenance of the facilities used by the charter school shall be subject to negotiation between the charter school and the school district.

22-30.5-105. Charter schools - contract contents - regulations. (1) An approved charter application shall serve as the basis for a contract between the charter school and the local board of education.

(2) The contract between the charter school and the local board of education shall reflect all agreements regarding the release of the charter school from school district policies.

(3) The contract between the charter school and the local board of education shall reflect all requests for release of the charter school from state regulations. The local board of education and the charter school shall jointly request such release from the state board.

(4) A material revision of the terms of the contract may be made only with the approval of the local board of education and the governing body of the charter school.

22-30.5-106. Charter application - contents. (1) The charter school application shall be a proposed agreement and shall include:

(a) The mission statement of the charter school, which must be consistent with the principles of the general assembly's declared purposes as set forth in section 22-30.5-102 (2) and (3);

(b) The goals, objectives, and pupil performance standards to be achieved by the charter school;

(c) Evidence that an adequate number of parents, teachers, pupils, or any combination thereof support the formation of a charter school;

(d) Repealed.

(e) A description of the charter school's educational program, pupil performance standards, and curriculum, which must meet or exceed any content standards adopted by the school district in which the charter school has applied for a charter and must be designed to enable each pupil to achieve such standards;

(f) A description of the charter school's plan for evaluating pupil performance, the types of assessments that will be used to measure pupil progress towards achievement of the school's pupil performance standards, the timeline for achievement of such standards, and the procedures for taking corrective action in the event that pupil performance at the charter school falls below such standards;

(g) Evidence that the plan for the charter school is economically sound for both the charter school and the school district, a proposed budget for the term of the charter, a description of the manner in which an annual audit of the financial and administrative operations of the charter school, including any services provided by the school district, is to be conducted, and a plan for the displacement of pupils, teachers, and other employees who will not attend or be employed in the charter school;

(h) A description of the governance and operation of the charter school, including the nature and extent of parental, professional educator, and community involvement in the governance and operation of the charter school;

(i) An explanation of the relationship that will exist between the proposed charter school and its employees, including evidence that the terms and conditions of employment have been addressed with affected employees and their recognized representative, if any;

(i.5) The employment policies of the proposed charter school;

(j) An agreement between the parties regarding their respective legal liability and applicable insurance coverage;

(k) A description of how the charter school plans to meet the transportation needs of its pupils and, if the charter school plans to provide transportation for pupils, a plan for addressing the transportation needs of low-income and academically low-achieving pupils;

(l) A description of the charter school's enrollment policy, consistent with the requirements of section 22-30.5-104 (3), and the criteria for enrollment decisions.

(2) No person, group, or organization may submit an application to convert a private school or a non-public home-based educational program into a charter school or to create a charter school which is a non-public home-based educational program as defined in section 22-33-104.5.

22-30.5-107. Charter application - process. (1) A charter applicant cannot apply to, or be granted a charter by, a school district unless a majority of the charter school's pupils will reside in the chartering school district or in school districts contiguous thereto. The local board of education shall receive and review all applications for charter schools. Applications must be filed with the local board of education by October 1 to be eligible for consideration for the following school year. The local board of education shall not charge any application fees. If such board finds the charter school application is incomplete, the board shall request the necessary information from the charter applicant. The charter school application shall be reviewed by the district accountability committee prior to consideration by the local board of education.

(2) After giving reasonable public notice, the local board of education shall hold community meetings in the affected areas or the entire school district to obtain information to assist the local board of education in its decision to grant a charter school application. The local board of education shall rule by resolution on the application for a charter school in a public hearing, upon reasonable public notice, within sixty days after receiving the application.

(2.5) The charter applicant and the local board of education may jointly waive the deadlines set forth in this section.

(3) If a local board of education denies a charter school application or unilaterally imposes conditions that are unacceptable to the charter applicant, the charter applicant may appeal the decision to the state board pursuant to section 22-30.5-108.

(4) If a local board of education denies a charter school application, it shall state its reasons for the denial. If a local board of education grants a charter, it shall send a copy of the approved charter to the department of education within fifteen days after granting the charter.

22-30.5-108. Appeal - standard of review - procedures. (1) Acting pursuant to its supervisory power as provided in section 1 of article IX of the state constitution, the state board, upon receipt of a notice of appeal or upon its own motion, may review decisions of any local board of education concerning charter schools in accordance with the provisions of this section.

(2) A charter applicant or any other person who wishes to appeal a decision of a local board of education concerning a charter school shall provide the state board and the local board of education with a notice of appeal or of facilitation within thirty days after the local board's decision. If the appeal is of a denial, nonrenewal, or revocation of a charter, the person bringing the appeal shall limit the grounds of the appeal to the grounds for denial specified by the local board of education. The notice shall include a brief statement of the reasons the charter school applicant contends the local board of education's denial was in error.

(3) If the notice of appeal, or the motion to review by the state board, relates to a local board's decision to deny, refuse to renew, or revoke a charter or to a local board's unilateral imposition of conditions that are unacceptable to the charter school or the charter applicant, the appeal and review process shall be as follows:

(a) Within sixty days after receipt of the notice of appeal or the making of a motion to review by the state board and after reasonable public notice, the state board, at a public hearing which may be held in the school district in which the proposed charter school has applied for a charter, shall review the decision of the local board of education and make its findings. If the state board finds that the local board's decision was contrary to the best interests of the pupils, school district, or community, the state board shall remand such decision to the local board of education with written instructions for reconsideration thereof. Said instructions shall include specific recommendations concerning the matters requiring reconsideration.

(b) Within thirty days following the remand of a decision to the local board of education and after reasonable public notice, the local board of education, at a public hearing, shall reconsider its decision and make a final decision.

(c) If the local board of education's final decision is still to deny, refuse to renew, or revoke a charter or to unilaterally impose conditions unacceptable to the charter school or the charter applicant, a second notice of appeal may be filed with the state board within thirty days following such final decision.

(d) Within thirty days following receipt of the second notice of appeal or the making of a motion for a second review by the state board and after reasonable public notice, the state board, at a public hearing, shall determine whether the final decision of the local board of education was contrary to the best interests of the pupils, school district, or community. If such a finding is made, the state board shall remand such final decision to the local board with instructions to approve the charter application. The decision of the state board shall be final and not subject to appeal.

(3.5) In lieu of a first appeal to the state board pursuant to paragraph (a) of subsection (3) of this section, the parties may agree to facilitation. Within thirty days after denial, nonrenewal, or revocation of a charter by the local board of education, the parties may file a notice of facilitation with the state board. The parties may continue in facilitation as long as both parties agree to its continued use. If one party subsequently rejects facilitation, and such rejection is not reconsidered within seven days, the local board of education shall reconsider its denial, nonrenewal, or revocation of a charter and make a final decision as provided in paragraph (b) of subsection (3) of this section. The charter applicant may file a notice of appeal with the state board as provided in paragraph (c) of subsection (3) of this section within thirty days after a local board of education's final decision to deny, not renew, or revoke a charter.

(4) If the notice of appeal, or the motion to review by the state board, relates to a local board's decision to grant a charter, the appeal and review process shall be as follows:

(a) (I) Within sixty days after receipt of the notice of appeal or the making of a motion to review by the state board and after reasonable public notice, the state board, at a public hearing which may be held in the district in which the proposed charter school has applied for a charter, shall review the decision of the local board of education and determine whether such decision was arbitrary and capricious or whether the establishment or operation of the proposed charter school would:

(A) Violate any federal or state laws concerning civil rights;

(B) Violate any court order;

(C) Threaten the health and safety of pupils in the school district;

(D) Violate the provisions of section 22-30.5-109 (2), prescribing the permissible number of charter schools; or

(E) Be inconsistent with the equitable distribution of charter schools among school districts.

(II) If such a determination is made, the state board shall remand such decision to the local board with instructions to deny the charter application. The decision of the state board shall be final and not subject to appeal.

(5) Nothing in this section shall be construed to alter the requirement that a charter school be a part of the school district that grants its charter and accountable to the local board of education pursuant to section 22-30.5-104 (2).

22-30.5-109. Charter schools - restrictions - establishment - number. (1) School districts may, but shall not be obligated to, establish charter schools prior to the 1994-95 school year. A local board of education may reasonably limit the number of charter schools in the school district.

(2) (a) No more than sixty charters shall be granted prior to July 1, 1997, and at least sixteen of said sixty charters shall be reserved for charter school applications which are designed to increase the educational opportunities of at-risk pupils, as defined in section 22-30.5-103.

(b) Local boards of education which grant charter school applications shall report such action to the state board and shall specify whether or not such school is designed to increase the educational opportunities of at-risk pupils. The state board shall promptly notify the board of education of each school district when the limits specified in paragraph (a) of this subsection (2) have been reached.

(3) It is the intent of the general assembly that priority of consideration be given to charter school applications designed to increase the educational opportunities of at-risk pupils, as defined in section 22-30.5-103.

(4) If otherwise qualified, nothing in this part 1 shall be construed to prohibit any institution certified as an educational clinic pursuant to article 27 of this title, on or before April 1, 1993, from applying to become a charter school pursuant to this part 1.

(5) Nothing in this part 1 shall be construed to prevent a school in a school district which is comprised of only one school from applying to become a charter school pursuant to this part 1.

22-30.5-110. Charter schools - term - renewal of charter - grounds for nonrenewal or revocation. (1) A new charter may be approved for a period of at least three years but not more than five academic years. A charter may be renewed for a period not to exceed five years.

(1.5) No later than December 1 of the year prior to the year in which the charter expires, the governing body of a charter school shall submit a renewal application to the local board of education. The local board of education shall rule by resolution on the renewal application no later than February 1 of the year in which the charter expires, or a mutually agreed upon date.

(2) A charter school renewal application submitted to the local board of education shall contain:

(a) A report on the progress of the charter school in achieving the goals, objectives, pupil performance standards, content standards, and other terms of the initial approved charter application; and

(b) A financial statement that discloses the costs of administration, instruction, and other spending categories for the charter school that is understandable to the general public and that will allow comparison of such costs to other schools or other comparable organizations, in a format required by the state board of education.

(3) A charter may be revoked or not renewed by the local board of education if such board determines that the charter school did any of the following:

(a) Committed a material violation of any of the conditions, standards, or procedures set forth in the charter application;

(b) Failed to meet or make reasonable progress toward achievement of the content standards or pupil performance standards identified in the charter application;

(c) Failed to meet generally accepted standards of fiscal management; or

(d) Violated any provision of law from which the charter school was not specifically exempted.

(4) In addition, a charter may be not renewed upon a determination by the local board of education that it is not in the interest of the pupils residing within the school district to continue the operation of the charter school.

(4.5) If a local board of education revokes or does not renew a charter, the board shall state its reasons for the revocation or nonrenewal.

(5) A decision to revoke or not to renew a charter may be appealed or facilitation may be sought pursuant to the provisions of section 22-30.5-108.

22-30.5-111. Charter schools - employee options. (1) During the first year that a teacher employed by a school district is employed by a charter school, such teacher shall be considered to be on a one-year leave of absence from the school district. Such leave of absence shall commence on the first day of services for the charter school. Upon the request of the teacher, the one-year leave of absence shall be renewed for up to two additional one-year periods upon the mutual agreement of the teacher and the school district. At the end of three years, the relationship between the teacher and the school district shall be determined by the school district and such district shall provide notice to the teacher of the relationship.

(2) The local board of education shall determine by policy or by negotiated agreement, if one exists, the employment status of school district employees employed by the charter school who seek to return to employment with public schools in the school district.

(3) Employees of a charter school shall be members of the public employees' retirement association or the Denver public schools retirement system, whichever is applicable. The charter school and the teacher shall contribute the appropriate respective amounts as required by the funds of such association or system.

22-30.5-112. Charter schools - financing - guidelines. (1) For purposes of the "Public School Finance Act of 1994", article 54 of this title, pupils enrolled in a charter school shall be included in the pupil enrollment of the school district that granted its charter. The school district that granted its charter shall report to the department of education the number of pupils included in the school district's pupil enrollment that are actually enrolled in each charter school.

(2) (a) As part of the charter school contract, the charter school and the school district shall agree on funding and any services to be provided by the school district to the charter school. The charter school and the school district shall begin discussions on the contract using eighty percent of the district per pupil operating revenues. As used in this subsection (2), district "per pupil operating revenues" shall have the same meaning as that provided in section 22-54-103 (9).

(b) All services centrally or otherwise provided by the school district including, but not limited to, food services, custodial services, maintenance, curriculum, media services, libraries, and warehousing shall be subject to negotiation between a charter school and the school district and paid for out of the revenues negotiated pursuant to paragraph (a) of this subsection (2).

(c) In no event shall the amount of funding negotiated pursuant to this subsection (2) be less than eighty percent of the district per pupil operating revenues multiplied by the number of pupils enrolled in the charter school.

(d) It is the intent of the general assembly that funding and service agreements pursuant to this subsection (2) shall be neither a financial incentive nor a financial disincentive to the establishment of a charter school.

(e) Fees collected from students enrolled at a charter school shall be retained by such charter school.

(3) (a) Notwithstanding subsection (2) of this section, the proportionate share of state and federal resources generated by students with disabilities or staff serving them shall be directed to charter schools enrolling such students by their school districts or administrative units. The proportionate share of moneys generated under other federal or state categorical aid programs shall be directed to charter schools serving students eligible for such aid.

(b) If a student with a disability attends a charter school, the school district of residence shall be responsible for paying any tuition charge for the excess costs incurred in educating the child in accordance with the provisions of section 22-20-109 (5).

(4) The governing body of a charter school is authorized to accept gifts, donations, or grants of any kind made to the charter school and to expend or use said gifts, donations, or grants in accordance with the conditions prescribed by the donor; however, no gift, donation, or grant shall be accepted by the governing body if subject to any condition contrary to law or contrary to the terms of the contract between the charter school and the local board of education.

(5) The department of education will prepare an annual report and evaluation for the governor and the house and senate committees on education on the success or failure of charter schools, their relationship to other school reform efforts, and suggested changes in state law necessary to strengthen or change the charter school program.

(6) The department of education will provide technical assistance to persons and groups preparing or revising charter applications.

22-30.5-113. Charter schools - evaluation - report. (1) The state board shall compile evaluations of charter schools received from local boards of education. The state board shall review information regarding the regulations and policies from which charter schools were released pursuant to section 22-30.5-105 to determine if the releases assisted or impeded the charter schools in meeting their stated goals and objectives.

(2) The state board shall issue a report to the general assembly on its findings no later than January 1, 1997.

(3) In preparing the report required by this section, the state board shall compare the performance of charter school pupils with the performance of ethnically and economically comparable groups of pupils in other public schools who are enrolled in academically comparable courses.

22-30.5-114. Construction of article - severability. If any provision of this article or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this article that can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

Appendix "B"

COLORADO CHARTER SCHOOLS

October 1, 1998
h/CHlistAL

Charter Schools Approved and Operating

1. **Academy Charter School**, Douglas County School District. Contact Brian Smith, Administrator, 809 North Park Street, Castle Rock, CO 80104. Phone 303/660-4881, fax 303-660-6385. The Academy Charter School is a K-8 school with 320 students. The school emphasizes high academic standards based on the Core Knowledge Curriculum. The school also offers a home school support program to 36 students in grades 3-8. The school's governing board members are elected by the parents who send their children to the school. E-mail: hartm@acs.douglas.k12.co.us

2. **Academy of Charter Schools**, Adams 12 Five Star District. Contact Kin Griffith, Principal, 601 East 64th Avenue, Denver, Colorado 80216. Phone 303/289-8086, fax 303-289-8087. This school offers classes kindergarten through the 12th grade. Approximately 700 students are enrolled. The Core Knowledge Curriculum is used for kindergarten through sixth grade. E-mail: Kin_Griffith@together.cudenver.edu

3. **Alpine Charter School,** Summit County School District, Judy Gustafson, Administrator, P.O. Box 4089, Dillon, Colorado 80435, phone 970-468-0563, fax 970-468-0593. The school serves approximately 60 students in grades 6-9. The school has plans to grow one grade per year until it is a 6-12 school. A focus on student/teacher interaction will be maintained. A core curriculum will be delivered through a less traditional setting. Both class size and school size will be carefully watched to maintain a sense of community. E-mail: judygus@yahoo.com

4. **Alta Vista Charter School**, Lamar School District RE-2. Contact Al Neuhold, Head Administrator or Marilyn Chenoweth, Assistant to the Director, P.O. Box 449, Lamar, CO 81052. Phone 719-336-2154, 336-0181 or 336-3581, fax 719-336-7001. The mission of Alta Vista is to strengthen the academic performance of public school pupils in grades K-6 by providing the attributes, traditions, and virtues of a rural country school. Alta Vista seeks to design a basic curriculum with enrichment which will challenge all students to perform at a level which meets or exceeds state board and school district standards. The school achieves these goals through emphasis on a structured educational environment, strong encouragement of parental involvement, and commitment to treating each child as a unique individual. Enrollment is currently capped at 77. E-mail: Alta.Vista@lamar.k12.co.us

5. **Aspen Community School,** Roaring Fork Re-1. Contact George Stranahan, Director, Betsy Bashant, Principal, P.O. Box 336, Woody Creek, CO 81656. Phone 970/923-4080, fax 970-923-6207. ACS serves 146 students in two locations; one in Woody Creek, K-8, and the other in Carbondale, K-2. Both are under a joint charter agreement between the Aspen School District and the Roaring Fork School District. Roaring Fork is the fiscal agent for the school. Schooling is personalized and classes are small with all faculty teaming and focusing on the whole student. Student responsibility, democracy and caring are coupled with an academic environment where the student constructs knowledge and meaning. E-mail: stranaha@csn.net

6. **Battle Rock Charter School**, Montezuma-Cortez School District. Contact Steve Hanson, Director, 12247 C.R. G, Cortez, CO 81321. Phone 970/565-3237, fax 970-564-1140. A very small (26 student) K-6 elementary school in an isolated setting in Montezuma County. The school was chartered in order to sustain its existence and continue its development as an innovative small school. E-Mail: bttlrck@Frontier.net

7. **Boulder Prepatory High School**, Boulder Valley School District. Contact Greg Brown, Principal or Andre Adeli, Academic Coordinator, 1777 6th Street, P.O. Box 4249, Boulder, CO 80302-4249. Phone 303-441-3703, 441-1675, or 441-4733. The school provides year round education and is specifically designed for at-risk youth who are disconnected from the traditional school system because of juvenile delinquency, drugs and alcohol, alienation, or other factors. The school's program provides instruction through a college prep block system and allows a student to complete high school requirements within two to three years.

8. **Brighton Charter School**, Brighton School District No. 27J. Contact Jim Greule, Principal, 1931 East Bridge Street, P.O. Box 127, Brighton, CO 80601. Phone 303-655-0775, fax 303-659-2901. The school serves students in grades 6-10 and will provide a very string basic education with enhanced learning opportunities for college prep and career prep. The college prep portion of the program will be delivered in cooperation with Front Range Community College, which will have offices in the same building. E-mail: tgogerty@indra.com

9. **Cherry Creek Academy**, Cherry Creek School District, Contact Rod Oosterhouse, Director, 5455 South Valentia Way, Englewood, CO 80111, phone 303-779-8988, fax 303-779-8817. The school serves about 420 students in grades kindergarten through 6. The school is located in the Denver Tech Center. The curriculum is dedicated to solid mastery of fundamentals in language, math, science and humanities. It emphasizes the substance of mankind's knowledge found in the Core Knowledge curriculum. E-mail: Rodohouse@juno.com

10. **Cheyenne Mountain Charter Academy**, El Paso District 12, Cheyenne Mountain, Contact Dick Carpenter, Director, 1832 South Wasatch, Colorado Springs, CO 80906, phone 719/471-1999, fax 719-471-4949. This is a kindergarten through 8th grade school based on the Core Knowledge Series, with particular emphasis on discipline, character development, parental involvement, and low student-teacher ratios. Student enrollment is approximately 300. E-mail: CMCA@KKTV.com

11. **CIVA Charter School**, El Paso County School District No. 11. Contact Jan Noble, Colorado Springs Education Association, 2520 North Tejon Street, Suite 100, Colorado Springs, CO 80907. Linda Page, Head Teacher. Phone: 719-471-1190, fax 719-471-1514. Character education is central to the philosophy and goals of the school. The school's program will be individualized to the special talents, attitudes, aptitudes, and family background of each student. E-mail: PresdCSEA@aol.com

12. The **Classical Academy**, Academy School District No. 20. Contact Chuck Holt, Principal, 8650 Scarborough Drive, Colorado Springs, CO 80920, phone 719-282-1181. The school will be an elementary program based upon the Core Knowledge Sequence serving grades K-6 with grades 7 and 8 being added over the next two years. The mission of the school is to "assist parents in their mission to develop exemplary young citizens with superior academic preparation, equipped with analytical thinking skills, a passion for learning, and virtuous character, all built upon a solid foundation of knowledge. Spanish, music, and art will also be offered. E-mail: tca8650@aol.com or stomberlin@aol.com

13. **Collegiate Academy**, formerly Sci-Tech Academy, Jefferson County R-1, Contact John LeTellier, Director, 6500 W. Coal Mine Ave., Suite 101, Littleton, CO 80123, phone 303/972-7433, fax 303-932-0695. The school serves approximately 125 students in grades 6-11 and plans to expand to 500 students in grades K-12. The program includes a liberal arts curriculum with a science-math-technology focus and multiple learning options.

14. **Colorado High School of Greeley**, Weld County School District No. 6. Contact Don Heiman, Principal, 1020 28th Street, Suite 207, Greeley, CO 80631. Phone 970-353-6132, fax 970-392-2687. The school serves approximately 95 high school students. Students, parents, and staff develop a self-directed learning plan for each student based upon the school district's graduation requirements. E-mail: DHE6536351@aol.com

15. **The Colorado Springs--Edison Charter School**, Colorado Springs District 11. Contact Vicki Axford, Principal, 205 South Byron Drive, Colorado Springs, CO 80910. Phone 719/637-0311. The Edison Project is a private venture to provide world class education through partnership arrangements with public schools. This school serves 678 students in grades kindergarten through 5. In addition, the middle school will open in August of 1997 with 150 6th graders. Plans are underway to expand through the 12th grade. Edison schools feature academics, technology, a longer school day and year, and attempt to bring together research and "best practices." E-mail: Vicki_Axford-Prin@Roosk-5.edisonproject.com

16. **Colorado Visionary Academy Charter School**, Douglas County School District. Contact Nila Tritt, Principal, 19650 East Main Street, Parker, CO 80134. Phone 303-805-7313, fax 303-805-7329. The school will serve students in grades kindergarten through 8th grade. The focus of the school is math, science, and technology and on the Paideia teaching philosophy.

17. **Community Involved Charter School**, Jefferson County R-1, Contact Pauline McBeth, Principal, 7700 West Woodard Drive, Lakewood, CO 80227, phone 303/985-7092, fax 985-7721. The school is K-12 and enrolls around 420 students. The school offers open education, active and experiential learning, student self-direction, personalized learning, and basic academics. E-Mail: Pauline_Mcbeth@together.cudenver.edu

18. **Community of Learners**, Durango 9-R School District, Contact Rob Meltzer, Principal, 201 E. 12th St., Durango, CO 81301, phone 970/259-0328, fax 970-247-9581. The Community of Learners serves around 125 students grades K-12. The school takes a school centered approach to education through the use of individualized learning plans, integrates service learning into the core curriculum, and emphasizes connection to the surrounding natural and human communities. E-Mail: kmyles@frontier.net or Cassidy@frontier.net

19. **Community Prep School**, Colorado Springs District 11. Contact Anna Lopez, Principal, 332 East Willamette Avenue, Colorado Springs, CO 80903. Phone 719/578-6916, fax 719-636-3407. This unique charter design, with on-site management, was developed and contracted between the Colorado Springs City Council and Colorado Springs School District No. 11. The school serves around 120 high-risk students in grades 9-12. The school has linkages with the Private Industry Council, Job Training Partnership, and 17 school districts in El Paso County. Each student works with a case manager to address their social needs as defined in the student's individual service plan. The school uses a modified Paideia approach and features the use of technology based around the Comprehensive Competencies Program. The curriculum requires 80% minimum mastery and stresses post secondary options. E-mail: jahhjoey@yahoo.com

20. **Compass Montessori Charter School**, Jefferson County School District. Contact Richard Fulton, Principal, 10399 West 44th Avenue, Wheat Ridge, CO 80033, phone 303-982-6560 or 420-8288. This charter school is designed after the South Jeffco Montessori Charter School which stresses multi-sensory learning and individualized learning in multi-aged classrooms. The curriculum is authentic Montessori. Teachers will all be Montessori certificated. The school will serve approximately 130 students ages 3 through 12. E-mail: rsfulton@jeffco.k12.co.us

21. The **Connect School**, Pueblo County School District 70, Contact Judy Mikulas, Principal, 107 E. 7th, Pueblo, CO 81002, phone 719/542-0224, fax 719-542-0225. The Connect School is a grade 6-8 middle school without-walls serving 70 students. The school utilizes multiple community resources for learning, such as museums, parks, libraries, computer labs, and mountain experiences. E-mail: johnm@lynx.csn.net

22. **Core Knowledge Charter Academy**, Greeley School District No. 6. Contact Michael McBrien, Principal, 2560 West 29th Street, Greeley, CO 80631, phone 970-330-1780, fax 970-330-4334. The school presently has an enrollment of 300 students. The school currently serves grades K-5 and plans are underway to add 6th next year. The school's curriculum is based in the Core Knowledge Sequence. E-mail: Mcb1616@aol.com

23. **Core Knowledge Charter School**, Douglas County School District. Contact Donald Wetmore, Director, 10423 Parker Road, Parker, CO 80134. Phone 303/840-7070, fax 840-1933. The school serves 270 students in grades kindergarten through 8th grade. The school will grow by 20 students each year until each grade has two sections. The Core Knowledge Curriculum is the basis of the school's program. E-Mail:

24. **Crestone Charter School**, Moffat District 2. Contact Karen Acker, Director, General Delivery, Crestone, CO 81131. Phone 719/256-4907, fax 719-256-4390. This school serves 45 students in grades kindergarten through 9 in the mountain communities of Crestone/Baca. CCS emphasizes academic excellence and integrated and experiential education within small multi-age classrooms. Tutoring, mentoring, travel, independent study, and individual learning plans are included in the program. E-mail: ccs@fone.net

25. **Crown Pointe Academy of Westminster**, Westminster School District No. 50. Contact B.J. Buchmann, Principal, 7281 Irving Street, Westminster, CO 80030. Phone: 303-428-1882, fax 303-428-1938. The school will offer a challenging, content-rich curriculum based on the Core Knowledge Sequence. Spanish will be taught as a sencond language beginning in Kindergarten. A combination of delivery methods will be used including drill and practice, use of hands on resources, projects, experiments, and the Socratic method of inquiry. The school will serve grades K-5 beginning in the fall of 1997. A grade level will be added each year until the school is K-8. E-mail: crownpointe.academy@mci2000.com

26. **DCS Montessori School**, Douglas County School District. Contact Susan Wilkerson, Administrator, 8218 West Carder Ct., Littleton, CO 80125. Phone: 303-471-1800, fax 303-471-2059. The school's mission is to provide "authentic, accredited Montessori education to the children of Douglas County". The school currently serves approximately 150 students ranging in age from 3 to 10 years of age. Plans are underway to add a campus in the central part of Douglas County near Castle Rock in the near future. E-mail: susan.wilkerson@ceo.cudenver.edu

27. **Eagle County Charter Academy**, Eagle County School District, Contact Patti Anderson, Dean, P. O. Box 169, Wolcott, CO 81655, phone 970/926-0656, fax 970-926-0786. The school serves around 100 students in grades 5-7. The program used is a trimester, block scheduling system with small graded classes (16:1), and personalized education plans which emphasize academic standards while fostering self-confidence, independence, and critical thinking. E-mail: bruce@ecca.org

28. **Edison-Wyatt Charter School**, Denver Public Schools. Contact Garrett Wyman or David Savage, Principal, 3620 Franklin Street, Denver, CO 80205, phone 303-292-5515, fax 303-292-5111. The Edison Project is a private venture to provide world class education through partnership arrangements with public schools. This school serves 300 students in grades kindergarten through 5. Edison schools feature academics, technology, a longer school day and year, and attempt to bring together research and "best practices." The school will serve 660 students in grades K-6. E-mail: Garrett_Wyman@edisonproject.com

29. **Elbert County Charter School**, Elizabeth School District. Contact Dean Kern, Principal, P.O. Box 966, 796 East Kiowa Ave., Unit H-6, Elizabeth, CO 80107. Phone: 303-646-2636, fax 303-660-5900. The school's academic program will based on the Core Knowledge Sequence. Uniforms are required and there will be no more than 22 children per class. Grades K-6 will be served and a supplemental, part-time program will be available to homeschool families in the area. E-mail: elbertcharter@juno.com

30. **EXCEL Academy**, Jefferson County R-1, Contact Diane Hagerman, Director, 9215 Ralston Road, Arvada, CO 80002-2029, phone 303/467-2295, fax 303-467-2291. The EXCEL Academy serves around 126 students in kindergarten through grade 6 with plans to expand through 8th grade. The school offers an integrated and challenging educational environment preparing students to be independent, critical thinkers in the 21st century. The school will stress respect for individual learning styles and needs. Each student will have an Individual Guided Education Plan (IGEP). E-mail: excelacademy@juno.com

31. The **EXCEL School**, Durango 9-R School District, Contact Bill Brandon, Principal, 215 East 12, Durango, CO 81301, phone 970/259-0203, fax 970-247-9581. The school currently enrolls approximately 120 students in grades 6-9, with plans to expand over time to grades 6-12. Working with Fort Lewis College, the school emphasizes high standards, individual success in academics, and learning contracts. The school also plans to serve as a professional development center for the region. E-Mail: excel@Frontier.net

32. **GLOBE Charter School**, Colorado Springs District 11, Contact Jenny Wasil, Director, 1611 Howard Avenue, Colorado Springs, CO 80909, phone 719/630-0577. GLOBE stands for Global and Local Objectives for Better Education. This K-12 school opened with 72 students. The curriculum focuses on world culture, earth sciences and global issues. Foreign languages, service learning, and community and university involvement are included in the program. E-Mail: globe@rmi.net

33. **Horizons K-8 Alternative School**, Boulder Valley School District. Contact Ann Kane, Burke Campus, 4545 Sioux Drive, Boulder, CO 80303. Phone: 303-447-5580. Horizons guides students to become self-directed learners and community contributors in a respectful, noncoercive, mutually caring learning environment. The school, a member of William Glasser's Quality School Network, maintains high academic and behavioral expectations for students in kindergarten through 8th grade and offers a rich, integrated curriculum. E-mail: kanea@bvsd.k12.co.us

34. **Jefferson Academy**, Jefferson County R-1., Contact Michael Munier, Principal, 9955 Yarrow St., Broomfield, CO 80020. Phone 303/438-1011, fax 303-438-1046. The Jefferson Academy is serving 260 students and plans to enroll 287 students for the 1997-1998 school year in grades K-6. The program emphasizes fundamental academic education using the Core Knowledge curriculum. E-mail: MEMunier@aol.com

35. **Jefferson Academy Junior High School**, Jefferson County School District. Contact Leland Morrison, Principal, 9955 Yarrow Street, Broomfield, CO 80020. Phone: 303-438-1011, fax 303-438-1046. The school serves mainly those children who graduate from Jefferson Academy, a Core Knowledge elementary school.

36. **Lake George-Guffey Charter School**, Park County RE-2, Contact Robert Freehill, Principal, P.O. Box 420, Lake George, CO 80827, phone 719/748-3911, fax 719-748-8151. The Lake George and Guffey Elementary Schools are two existing and very isolated schools in Park County. The Lake George and Guffey communities, approximately 30 miles from one another, have converted to a single charter school with two facilities. E-mail: lakegeorge2@pcisys.net

37. **Lewis-Palmer Charter Academy,** Lewis-Palmer School District, Contact Judy Rooney, Principal, 1890 Willow Park Way, Monument, Colorado 80132, phone 719-481-1950. The school serves around 200 students preschool through 8th grade. The school's goal is to improve student learning by creating high, rigorous standards in a friendly, caring, positive learning environment. The school will emphasize the "Five R's", reading, writing, math, respect, and responsibility. E-mail: Roney@ix.netcom.com

38. **Liberty Common School**, Poudre School District. Contact Kathryn Knox, Headmaster, 1725 Sharp Point Drive, Fort Collins, CO 80525. Phone: 970-482-9800. The school plans to enroll 392 students in grades kindergarten through 7th grade. By the year 2001, enrollment is projected to be 420 students. Grades 8 and

9 will be added over the next two years. E:mail: Phil_Christ@hp.com or paristh@aol.com or knox@verinet.com

39. **Lincoln Academy**, Jefferson County School District. Contact David Thornton, Principal, 5375 Otis Street, Arvada, CO 80002-3940. Phone: 303-467-0574, fax 303-467-0727. The school is serving approximately 117 students in grades kindergarten through 5th. The basis of the instructional program is the Core Knowledge Sequence. The school is modeled after Jefferson Academy (Charter School) and was developed as a result of the long waiting list at Jefferson Academy. E-mail:

40. **Littleton Charter Academy**, Littleton School District. Contact Peter Samaranayake, Principal, 1200 West Mineral Avenue, Littleton, CO 80120. Phone 303-798-5252, fax 303-798-0298. The school enrolls approximately 450 students, kindergarten through 8th grade. The school's curriculum is academic, based upon the Core Knowledge Sequence, supported with technology. E-mail:

41. **Littleton Prep Charter School**, Littleton School District. Contact Nathan Crow, Principal, 5151 South Federal Blvd., Littleton, CO. Phone 303-740-8372 or 797-4882, fax 303-771-7960. The school will serve 350 students in grades kindergarten through 6. The school's basic program in reading, writing and math is based upon Engelmann's Direct Instruction Model. The Core Knowledge Sequence is also integrated into the curriculum. E-mail: edwinat@ai.com

42. **Magnet School of the Deaf**, Jefferson County School District. Contact Cliff Moers, Board President, at Slater Elementary, 8605 West 23rd Avenue, Lakewood, CO 80215, phone 303-202-6459 or 303-238-1415 (tty) The school is bilingual and open to the metropolitan Denver deaf children ages 3 to 8. Classes are taught with American Sign Language as the language of instruction and written English as the language of text. Access to communication, high standards for academic achievement, and literacy are strongly emphasized. Thirteen children are currently enrolled. E-mail: moers@stripe.Colorado.EDU

43. **Marble Charter School**, Gunnison Watershed Re 1-J, Contact Steve Finn, Principal, 412 West Main Street, Marble, CO 81623, phone 970/963-9550, fax 970-963-8435. The school serves around 30 students in grades kindergarten through grade 4. The school has a mission of helping students attain their highest social and academic potential in a rigorous academic environment within a nurturing learning community. The school is committed to encouraging the child's natural curiosity, self esteem, commitment to community, and recognition of quality. This is the first operational public school in the town of Marble for several decades. E-mail: mcs@sopris.net

44. **Montessori Peaks Academy**, Jefferson County School District. Contact Bill Eyler, Principal or Meg Beck, Board President, 9126 West Bowles Ave., Littleton, CO 80127, phone 303-972-2627 or fax 303-933-4182. The school will serve up to 150 students between the ages of 3 and 12. Montessori-trained teachers, materials, and curriculum will be the foundation of the program. The school's mission is to foster a students' innate curiosity and love of learning, to enable them to develop their intellectual, physical, and social potential to the fullest extent possible. Individualized learning and low student-teacher ratios along with strong parental involvement are highlights of the program. E-mail: 72731.1413@compuserve.com

45. **Mountain View Core Knowledge Charter School**, Fremont County School District Re-1, Contact Shirley Squire, Principal, 1016 Mystic Avenue, Canon City, CO 81212, phone 719-275-1980, fax 719-275-8433. The school serves approximately 125 students, K-4. The school's curriculum is based upon the Core Knowledge Sequence. E-mail: mtview@rmi.net

46. **Odyssey Charter School**, Denver Public Schools. Contact Van Schoales, Director, 6430 Martin Luther King Blvd., Denver, CO 80207. Phone 303-382-3643. This school is an Expeditionary Learning School and will serve students in grades 1-4. The school will serve 48 students. E-mail: VSchoales@aol.com or ClaudiaRagar@compuserve.com

47. **Passage Charter School,** Montrose School District RE-1J. Contact Nancy Wilson, Acting President, 635 East Main Street, Montrose, CO 81401, phone 970-249-1472, fax 970-249-4520. The charter school was developed by the Delta/Montrose Teen Pregnancy Prevention Initiative. The school will focus on those students who are pregnant or parenting and whose educational needs can best be met outside the traditional public schools. The school will accept teens from 14-20 years of age, both male and female. The school will initially serve approximately 24 students. E-mail: tppi@rmi.net or pach@frontier.net

48. **Pinnacle Charter School,** Adams County School District No. 12. Contact Ruben Perez, Principal, 550 East Thornton Parkway #140, Thornton, CO 80229. Phone 303-450-3985, fax 303-450-3987. The school serves approximately 520 students in grades kindergarten through 9th grade. The school's curriculum is based in the Core Knowledge Sequence. E-mail: sum@uswest.net

49. **Pioneer Charter School,** Denver Public School District. Contact Mary Sours, Principal, 3230 East 38th Avenue, Denver, CO 80205. Phone: 303-329-8412. The educational program will have flexible grouping, integrated learning experiences, critical and creative thinking, character education and an integrated arts curriculum. Two areas of major emphasis will be literacy and technology. Personal learning plans will be developed for each student. The model will reflect the idea of "small schools" by creating three learning communities, each serving around 150 students. The school is located in a disadvantaged area of Northeast Denver. E-mail: Arlene_Noguchi@together.cudenver.edu

50. **Platte River Academy,** Douglas County School District. Contact Erlene Madsen, Principal, 2680 East County Line Road, Suite K, Littleton, CO 80126. Phone: 303-221-1070. The school is a Core Knowledge school located in Highlands Ranch. The school will serve 280 students in grades K-6. Grade 7 will be added in 1998 and grade 8 in 1999 with approximately 440 students. E-mail: memadsen@xpert.net or terrycroy@aol.com

51. **Prairie Creeks Charter School,** Jointly created by Bennett, Byers, Strasburg, and Deer Trail School Districts. Contact Jim Lathrop, Superintendent of Bennett School District, 615 Seventh Street, Bennett, CO 80102-8015. Phone: 303-644-3234, fax 303-644-4121 or contact Gail Hageman, Principal at 303-644-3234. These four school districts jointly formed this charter school to serve high risk students in the I-70 corridor. There are approximately 8 students enrolled at this time, but the school can serve up to 100 students. The school has adopted the PLATO Integrated Learning System. Students who successfully complete the program will earn either a diploma or a GED. E-mail:

52. **P.S. 1,** Denver Public Schools. Contact Rexford Brown, Director, 1062 Delaware Street, Denver, CO 80204. Phone 303/575-6690, fax 303-575-6661.. This school uses downtown Denver as its campus and involves its students in interdisciplinary projects related to urban issues. The school features individualized learning plans, workshops in math, science, the arts and humanities, community service and opportunities for extended studies. Enrollment will be 165 students in the fall of 1997, and it will grow to 350, K-12 by 1999. E-Mail: rbrown@usa.net

53. **Pueblo School for the Arts and Sciences,** Pueblo 60 School District. Contact, Allen Wood, Director, 1745 Acero, Pueblo, CO 81004. Phone 719/549-2737, fax 719-549-2725. The School for the Arts and Sciences is operated by the University of Southern Colorado. The school serves 386 students in grades K-11. The school will enroll 416 students K-12 beginning in the fall of 1997. The program is based on the Paideia model for academic excellence. E-Mail: roybal@uscolo.edu

54. **Renaissance School,** Douglas County School District, Contact Tamara Smiley, Principal, 16700 Keystone Blvd, Parker, Colorado 80134, phone 303/805-0023, fax 303-. This elementary school offers a broad array of experiences to perpetuate children's natural joy in learning. Classes are personalized, multi-aged, and multi-lingual. Approximately 225 students are served. Parents are required to volunteer in the school.

55. **Stargate School**, Adams 12 Five Star School District, Contact Nancy Hall, Principal, P.O. Box 530, 12323 Claude Ct., Eastlake, CO 80614, phone 303/450-3936, fax 303-450-3941. The school serves about 150 students in grades 1-8. The middle school grades are located at Thornton Middle School. The school offers multi-age classes and programs that are interdisciplinary, flexible, individualized, competency-based, and incorporates off-campus opportunities. Each student has a personal learning plan. E-mail: shannon_wamboldt@ceo.cudenver.edu

56. **Summit Middle School**, Boulder Valley School District. Contact Bernie Grove, Principal, P.O. Box 3125 Boulder, CO 80307. The physical address is 1492 Knox Drive in Boulder. Phone 303/499-9511. This school enrolls around 250 students in grades 6-8 and provides an academically rigorous, student-centered program for students who need or want greater challenge. Students are grouped by ability, interest and prior mastery, rather than age, in each of the five core subjects – math, English, science, social studies and foreign language (Spanish, French, German). Two periods of electives include offerings in art, music, and technology. E-mail: singletl@bvsd.k12.co.us or Chris_Howard@together.cudenver.edu

57. **Swallows Charter Academy**, Pueblo School District No. 70, Contact Julie Hollenstine, Director, P.O. Box 7969, Pueblo West, Colorado 81007, phone 719-547-1627, fax 719-547-2509. The school enrolls approximately 66 students in grades 6-8. The mission of the school is to help guide students in development of their character and academic potential through academically rigorous, content-rich educational programs built around a spirit of community. E-mail: swallows2@juno.com

58. **Twin Peaks Charter School**, St. Vrain Valley School District. Contact Dotti Marlatt, Principal, 9th and Main, Longmont, CO 80651. Phone: 303-682-9377, fax 303-774-9855. The school will serve grades kindergarten through 7th grade. The Core Knowledge Sequence will be the primary focus of the school's curriculum. E-mail: 75117.2056@compuserve.com

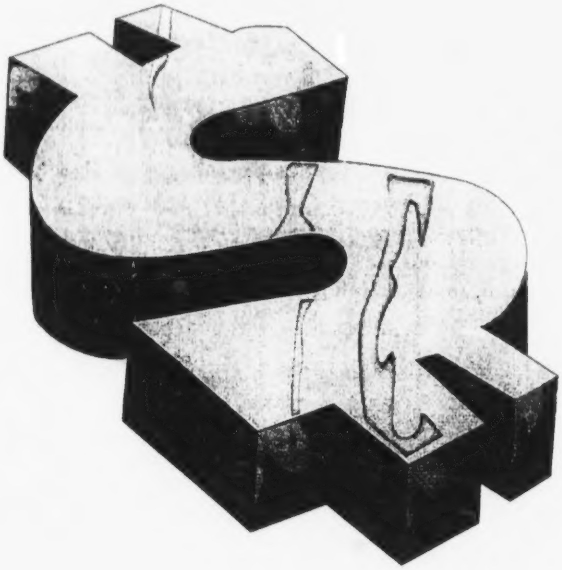
59. **Union Colony Charter School**, Weld County School District No. 6. Contact Janet Flaugher, Principal, 2000 Club House Drive, Greeley, CO 80634. Phone: 970-506-0884. The school was founded by a group of teachers. The school will serve no more than 300 students in grades 8-12. The student-teacher ratio will be 17:1. An interdisciplinary approach incorporating all core subject areas will be an integral component of student learning at the Union Colony School. E-mail: rlamb@alpha.psd.k12.co.us

60. **Youth and Family Academy Charter School**, Pueblo School District No. 60. Contact Patrick Tate, Principal, Keating Education Center, 215 East Orman Avenue, Pueblo, CO 81004. Phone: 719-549-7317. The target population for the 1997-1998 school year will be 125 "at-risk" youth in grades 7-9 who do not respond well to traditional educational services. The school will offer school-based, family centered support services through the Pueblo Youth Services Bureau. E-mail: PuebYouth@aol.com

UNDERSTANDING SCHOOL FINANCE
PUBLIC SCHOOL FINANCE ACT OF 1994

Internet: http://www.cde.state.co.us/sfbroch.htm

Colorado public schools receive funding from a variety of sources. The largest portion of this information deals with the Public School Finance Act of 1994 (as amended). In budget year 1998-1999, this legislation provides for almost $3.3 billion of funding to Colorado school districts via state taxes, specific ownership tax, and local property tax. This act provides the majority of revenues to Colorado's 176 school districts.



I. DETERMINING TOTAL PROGRAM FUNDING

A) Counting Pupils

Funding is based on an annual October pupil count. Each school district counts pupils in membership as of the school day nearest October 1. Districts are given an eleven-day window in which to establish membership of students, thus providing an opportunity to include students who may be absent on the official count day.

Generally, pupils in grades 1 through 12 are counted either as full-time or part-time depending upon the number of scheduled hours of coursework. Kindergarten, preschool special education, and a limited number of at-risk preschool (see Colorado Preschool Program) pupils are counted as part-time.

For most school districts, funding is based on the number of pupils counted in the current school year. However, for any district with an enrollment fluctuating from year to year, funding is based on the average of the two prior years' October pupil counts and the current year's October pupil count. As such, the impact of annual enrollment variances on funding is softened.

1997-98 Information: School district funded enrollments in budget year 1998-99 are projected to range from 51.1 full-time equivalent (FTE) pupils to 85,748.5 full-time equivalent (FTE) pupils.

Colorado Preschool Program

The Colorado Preschool Program serves four- and five-year-old children who lack overall learning readiness due to significant family risk factors, who are in need of language development, or who are receiving services from the Colorado Department of Human Services as neglected or dependent children. In budget year 1998-99, funding is provided for the participation of 8,850 children who are eligible to be included in a district's pupil enrollment count.

B) Total Program

Funding to school districts is based on a per-pupil formula that calculates Total Program. For each pupil funded in the October 1 pupil count, the formula provides a base per-pupil amount of money plus additional money which recognizes district-by-district variances in (a) costs of living, (b) personnel costs, and (c) sizes. The Total Program amount also includes additional funding for at-risk pupils. As these components vary among school districts, so do the expenses of the districts and, as such, the amount of funding provided.

To calculate Total Program, use this formula:

Funded Pupil Count (October 1)	times	Total Per-pupil Funding	plus	At-risk Funding

Base Funding – The base amount of funding for each pupil is $3,783.00 in budget year 1998-99. To this amount is added funding based on the specific factors as outlined below to arrive at a total per-pupil funding amount.

Cost of Living Factor – The cost of living factor reflects the differences in the costs of housing, goods, and services among each of the 176 school districts in the state. Cost differences are reviewed every two years to allow for timely recognition of economic changes. This factor is index-based, with a range from 1.007 to 1.630 in budget year 1998-99.

Personnel Costs Factor -- the personnel costs factor varies by school district based on enrollment. For all districts, employee salaries and benefits represent the largest single expense. As such, the formula directs funding based on these costs, using historical information and incorporating the above cost of living factor. This factor is projected to range from 79.93% to 90.50% in budget year 1998-99.

Size Factor -- like the above personnel costs factor, the size factor is determined using an enrollment-based calculation and is unique to each school district. This factor is included to recognize purchasing power differences among districts and to reflect the expression of funding on a per pupil basis.

Smaller districts (fewer than 5,650 pupils) and larger districts (more than 32,193 pupils) receive greater size factors than do medium sized districts which receive more moderate sized adjustments.

New in budget year 1998-1999, an additional, compensating adjustment is made for **any district with fewer than 500 pupils and in which a charter school operates**

At-Risk Funding -- Eligibility for participation in the federal free lunch program is used as a proxy of each school district's at-risk pupil population. Increased funding is provided to recognize that expenses among districts vary as pupil populations vary, especially at-risk populations. For each at-risk pupil, a district receives funding equal to at least 11.5%, but no more than 30%, of its Total Per-pupil Funding (see prior discussion). As a district's percentage of at-risk population increases above the statewide average (roughly 26%), an increased amount of funding is provided.

A district receives funding for the greater of: (1) each actual pupil eligible for the federal free lunch program; or (2) a calculated number of pupils, based on the number of grades 1-8 pupils eligible for the federal free lunch program as a percent of the district's entire population.

C) Minimum Total Program

For budget year 1998-99, each school district is guaranteed Total Program funding of at least $4,305 per pupil. However, a district which historically has received this amount instead receives a minimum per-pupil funding amount greater than $4,305 and calculated using the annual percentage increase in its Total Program calculation. In budget year 1998-99, five districts are projected to receive funding based on this Minimum Total Program provision.

D) Maximum Total Program

Each school district's annual Total Program per pupil funding cannot exceed 125% of its prior budget year Total Program per pupil funding. For budget year 1998-99, no district is projected to reach this maximum limit.

E) Limitation on Increases in Total Program

Each school district's annual revenue and spending growth is limited by its growth in pupil enrollment and by the rate of inflation. This limit potentially may restrict a district's ability to accept the full amount of funding as determined by the Total Program formula calculation.

In such a case and to receive the full formula amount of funding, a district must certify to the Colorado Department of Education that receiving the full amount of Total Program funding would not violate its TABOR limit. A district may need to seek voter authorization for an increase to its TABOR limit before being able to make such a certification.

In budget year 1998-99, 124 districts are projected to need to comply with the certification process or risk not receiving almost $10.6 million of funding.

F) Earmarked Revenue

Each school district individually has the discretion, within the limits of existing law, to determine how its Total Program moneys are spent, with three exceptions required by the state in the budget year 1998-99.

1. Instructional Supplies and Materials -- Each school district must budget a minimum of $138 per pupil for instructional supplies and materials.

2. Capital and/or Insurance Reserves -- Each school district must budget a minimum of $223 per pupil, not to exceed $800 per pupil, for capital reserves or for insurance reserves or other risk management activities.

3. Programs for At-Risk Pupils -- Each school district must allocate at least 75% of its at-risk funding to school or district-wide instructional programs for at-risk pupils or to staff development associated with teaching at-risk pupils in the district.

II. DETERMINING LOCAL SHARE

Two local sources of revenues are incorporated into the Public School Finance Act of 1994 (as amended): property taxes and specific ownership (vehicle registration) taxes. Funding for a school district's Total Program is provided first by these sources of revenues which comprise the Local Share; if these local sources are insufficient to fully fund Total Program, state moneys fund any shortfall.

A) Property Taxes

Each school district is required to impose a property tax levy to finance its Local Share of Total Program. The ability to raise money from property taxes varies widely among districts. Differences in tax bases (assessed property values) result in differences in revenues collected, using a given mill levy. Nonetheless, no district's property tax revenues are transferred to any other districts; instead, moneys raised remain in the district which imposes the tax.

The county assessor determines the valuation of all property located within a school district's boundaries (e.g. residential, commercial, agricultural, oil, and gas). The state is responsible for determining the valuation of public utilities within district boundaries. Regardless of property type, assessed valuation is based on a percentage of the property's actual value. For example, in budget year 1998-99, residential property will have an assessed valuation equal to 9.74% of its actual value.

One mill of tax is the same as one-tenth of one percent (.001). Therefore, on residential property with an actual value of $100,000 and, thus, an assessed valuation of $9,740, each mill of tax raises $9.74.

Annually, a school district must levy: (1) the same mill that it levied in the prior year; (2) the mill necessary to entirely pay for its Total Program and categorical programs, less any specific ownership tax revenues and minimum State Share funding received (see subsequent discussion); or (3) the maximum mill allowed by the Taxpayer's Bill of Rights (TABOR) constitutional amendment.

A district is required to levy the smallest mill generated by these three options.

B) Specific Ownership Taxes

Vehicle registration taxes are collected by counties and are shared with school districts. Each district's Local Share includes an amount of specific ownership tax revenues equal to the prior budget year's actual amount received.

III. DETERMINING STATE SHARE

Funding from the state (State Share) is provided to each school district whose Local Share is insufficient to fully fund its Total Program. Payments of State Share moneys are made monthly to districts and are funded primarily from state income (personal and corporate) and sales and use tax revenues collected.

In budget year 1998-99, State Share financing to districts is projected to range from $116.50 per pupil (the guaranteed minimum) to $8,330.72 per pupil.

IV. OTHER FUNDING

A) Categorical Programs

B) Override Revenues

A school district may desire to spend more property tax revenues than required to fund its Total Program. In this event, a district must seek authorization from its voters to raise and expend "override" property tax revenues via an additional mill levy. Override revenues are permitted for a district whose budget year 1994-95 actual Total Program exceeded its budget year 1994-95 formula calculation (a "hold harmless" district).

A district's override revenues cannot exceed 20% of its Total Program or $200,000, whichever is greater. All override revenues come from increased property taxes; no additional state funding occurs.

C) Capital/Building Needs

Four avenues exist through which a school district may meet its capital/building needs.

1. Capital Reserve Fund – Each school district is required to budget at least $223 (but no more than $800 per pupil to meet capital and/or insurance needs. Capital-related expenditures are restricted to: (1) acquisition of land and buildings; (2) construction of new facilities and additions to existing facilities, including equipment; (3) alterations and improvements to existing structures; (4) acquisition of school buses and other equipment; and (5) installment purchase or lease agreement payments.

2. Capital Construction Account – Each district is required to use savings resulting from the authorized reduction in its required contributions to its employee retirement savings program to fund its capital construction needs.

3. Bonded Indebtedness -- A district may hold an election to authorize it to issue bonds to meet its capital needs. Principal and interest payments on bonds are paid from increased property tax revenues generated by a separate, additional mill that the district must be

authorized to levy. A district may not have outstanding bond debt which is greater than 20% (25% for rapidly growing districts) of its assessed property valuation or 6% of its actual property value, whichever is greater.

4. Special Building and Technology Fund -- A district may hold an election to authorize it to levy up to ten mills for not longer than three years. Moneys generated by this increased levy are available only to fund the purchase of land, construction or purchase of facilities, or purchase or installation of instructional or informational technology.

D) Contingency Reserve

The Colorado State Board of Education is authorized to approve emergency supplemental payments to assist school districts with. Such payments are made at the discretion of the Board and following applicable statutory guidelines.

Appendix "D"

Requests for Waivers from State Statute

The following pages detail the State Board Rules for waivers from state statutes.

A waiver for a charter school must be jointly requested by the local board of education and the charter school. Further, the application must indicate the concurrence of a majority of the appropriate accountability committee, a majority of the affected certified administrators, and a majority of the teachers of the affected school. In addition, the local school board must approve the request.

Because of the unique nature of charter schools, some of these groups may not exist nor be easily identifiable at the time the application is made. If this is the case, then the applicant needs to explain the circumstances. For example, if the staff has not yet been hired, then a statement to that affect needs to be included in the waiver request.

When a waiver request is submitted, the applicant must provide the rationale for the request in light of the statutory standards. For example, if a request seeks a waiver of those portions of the Teacher Employment, Compensation, and Dismissal Act that require a teacher to be licensed, then the application should explain the unique needs of the instructional program and a replacement plan. Explain how the granting of the waivers will increase educational achievement and educational opportunity.

In the example cited above, this might include a specific delineation of the job requirements and hiring practices designed to guarantee the quality of the proposed non-licensed personnel to be hired.

In responding to a waiver request, the State Board of Education must consider the public interest expressed by the General Assembly in statute as well as the specific plans for operationalizing the charter. Any exemptions from existing statute must similarly serve the public interest and meet the requirements of the waiver statute.

Contact Bill Windler at the Colorado Department of Education for detailed information and instructions for submitting waiver requests to the State Board of Education. His phone number is 303-866-6631.

NOTE: THESE RULES ARE IN THE PROCESS OF BEING AMENDED TO COMPLY WITH HOUSE BILL 98-1171, WHICH IS ATTACHED.

Colorado State Board of Education
Department of Education

1 Colorado Code of Regulations 301-35

Adopted:1-11-90
Amended:(11-10-94)

Attorney General Opinion: 11-30-94

Statutory Authority: 22-2-106 (1) (a), 22-2-107 (1) (c), 22-2-117,and 22-30.5-104(6) and 105(3), C.R.S.

(RULES FOR THE)

ADMINISTRATION OF THE

WAIVER OF STATUTE AND RULE

2217-R-1.00 School districts shall have the opportunity to request a waiver of any requirements imposed by Title 22, C. R.S. and/or any rule and regulation that has been adopted by the State Board of Education pursuant to Title 22. Such waiver may involve individual schools or entire school districts. This process does not apply to waiver requests made pursuant to section 22-60.5-114, C.R.S. and 1 CCR 301-37 Rule 2260.5-R-23.00, both of which deal with the process by which the State Board may grant waivers to alternative teacher programs, approved induction programs, professional development plans, or approved programs of preparation.

2217-R-2.00 Maximum duration of a waiver will be two years, except that, if the waiver is granted in connection with a charter school application pursuant to sections 22-30.5-104(6) and 105(3), C.R.S., the waiver shall be for a period equal to the term of the charter, which may be up to a period of five years. Any waiver granted in connection with a charter school application shall be subject to review every two years and may be revoked if such waiver is deemed no longer necessary by the State Board. A waiver may be reviewed for renewal by the State Board of Education upon application of the local board of education pursuant to these rules. A waiver may be renewed an unlimited number of times.

2217-R-3.00 The written request for waiver or renewal of waiver must be received by the Colorado Department of Education, Office of the Commissioner, at least120 days prior to proposed implementation. The written request must be complete pursuant to these rules.

2217-R-4.00 A school district board of education may-originate a request for waiver or renewal of waiver by providing a completed written application to the Department of Education. This application shall address how the requested waiver will affect standards providing for educational achievement and enhancement of educational opportunity. The application must address how the impact of the waiver will be evaluated. The baseline data used for evaluation must include, but is not limited to, information relating to educational achievement and educational opportunity. At such time that the school district board of education may request a renewal of a waiver, the renewal application must address the original baseline data compared with current data for the State Board of Education to consider in determining if such request will be granted. The application must certify support by a majority of the members of an appropriate accountability committee; affected certified administrators; and affected school district teachers. It shall indicate how the affected staff and committee were determined. The Department shall provide a written response to the waiver or renewal of waiver request within 90 days of receipt of the request.

2217-R-5.00 Requests for a waiver or renewal of waiver resulting in a lesser standard than in existing rules or statutes must be supported by baseline data which justifies the request as set forth in 4.00 of these rules.

6.00 A complete waiver application or renewal application, in addition to the requirements of 4.00 of these rules, shall include:

6.01 Citation of the statute or rule that would be waived.

6.02 Specific documentation demonstrating how the statute or rule is prohibiting the district or school from improving educational achievement or enhancing educational opportunity and how the waiver will assist the school or district in attaining locally adopted content standards.

6.03 Expected outcome as a result of the waiver or renewal of waiver being requested.

6.04 The duration of the waiver or renewal of waiver requested.

6.05 An explanation of how the waiver or renewal of waiver requested would assist the district or school's plan to improve graduation rates, student performance and attendance, and overall educational achievement as outlined in sections 22-53-203 to 22-53-208 C.R.S.

6.06 The financial impact of the proposed waiver.

2217-R-7.00 The waiver or renewal of waiver will be granted if the State Board of Education rules that the school district has clearly demonstrated that the waiver or renewal of waiver will result in the district or school accomplishing the purposes of sections 2253-203 to 22-53-208 C.R.S.

2217-R-8.00 Statement of Basis and Purpose

The basis of these rules, adopted by the State Board of Education on (January 11, 1990) is found in 22-2-106(1) (A) and (C), 22-2-107(1) (C) and 222-117, C.R.S. The purpose of these amendments. is to clarify the process that schools and school districts must follow in order for the State Board of Education to consider waiver requests involving statutes and rules and regulations that have been imposed on schools and school districts.

8.01 The basis for these amendments, adopted by the State Board of Education on (November 10, 1994) is found in sections 22-30.5-104(6) and 22-2-117, C.R.S. which were amended by the General Assembly in 1994. The purpose of these amendments is to specify the process by which waivers may be granted to charter schools pursuant to the aforementioned statutes and to clarify the standards that the State Board will use in determining which waiver requests meet the statutory requirements.

1998

An Act

HOUSE BILL 98-1171

BY REPRESENTATIVES Arrington, K. Alexander, Allen, C. Berry, Dean, Epps, Hefley, Paschall, and Sullivant;
also SENATORS Coffman, Arnold, Lamborn, and Tebedo.

CONCERNING THE GRANTING OF WAIVERS FOR CHARTER SCHOOLS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 22-30.5-105 (3), Colorado Revised Statutes, is amended to read:

22-30.5-105. Charter schools - contract contents - waiver of regulations. (3) The contract between the charter school and the local board of education shall reflect all requests for release of the charter school from state STATUTES AND regulations. ~~The local board of education and the charter school shall jointly request such release from the state board.~~ WITHIN TEN DAYS AFTER THE CONTRACT IS APPROVED BY THE LOCAL BOARD OF EDUCATION, ANY REQUEST FOR RELEASE FROM STATE STATUTES AND REGULATIONS SHALL BE DELIVERED BY THE LOCAL BOARD OF EDUCATION TO THE STATE BOARD. WITHIN FORTY-FIVE DAYS AFTER A REQUEST FOR RELEASE IS RECEIVED BY THE STATE BOARD, THE STATE BOARD SHALL EITHER GRANT OR DENY THE REQUEST. IF THE STATE BOARD GRANTS THE REQUEST, IT MAY ORALLY NOTIFY THE LOCAL BOARD OF EDUCATION AND THE CHARTER SCHOOL OF ITS DECISION. IF THE STATE BOARD DENIES THE

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

REQUEST, IT SHALL NOTIFY THE LOCAL BOARD OF EDUCATION AND THE CHARTER SCHOOL IN WRITING THAT THE REQUEST IS DENIED AND SPECIFY THE REASONS FOR DENIAL. IF THE LOCAL BOARD OF EDUCATION AND THE CHARTER SCHOOL DO NOT RECEIVE NOTICE OF THE STATE BOARD'S DECISION WITHIN FORTY-FIVE DAYS AFTER SUBMITTAL OF THE REQUEST FOR RELEASE, THE REQUEST SHALL BE DEEMED GRANTED. IF THE STATE BOARD DENIES A REQUEST FOR RELEASE THAT INCLUDES MULTIPLE STATE STATUTES OR REGULATIONS, THE DENIAL SHALL SPECIFY THE STATE STATUTES AND REGULATIONS FOR WHICH THE RELEASE IS DENIED, AND THE DENIAL SHALL APPLY ONLY TO THOSE STATE STATUTES AND REGULATIONS SO SPECIFIED.

SECTION 2. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Charles E. Berry
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Tom Norton
Tom Norton
PRESIDENT OF
THE SENATE

Judith M. Rodrigue
Judith M. Rodrigue
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Patricia K. Dicks
Patricia K. Dicks
ASSISTANT SECRETARY OF
THE SENATE

APPROVED June 1, 1998 at 1:27 p.m.

Roy Romer
Roy Romer
GOVERNOR OF THE STATE OF COLORADO

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APPENDIX "e"

STATE OF COLORADO

COLORADO STATE BOARD OF EDUCATION
201 East Colfax Avenue
Denver, CO 80203
(303) 866-6817

1876

Seated January 10, 1995

Patricia M. Hayes
Chairman
6th Congressional District

Thomas M. Howerton
Vice Chairman
5th Congressional District

John Evans
Member-at-Large

Royce D. Forsyth
1st Congressional District

Patti Johnson
2nd Congressional District

Clair Orr
4th Congressional District

Hazel F. Petrocco
3rd Congressional District

COLORADO STATE BOARD OF EDUCATION
1996 REVISED ADMINISTRATIVE POLICY
ON CHARTER SCHOOLS

A. CHARTER SCHOOL APPEAL ADMINISTRATIVE PROCEDURES

1. A charter applicant or any other person (the appellant) who wishes to appeal a decision of a local board of education (local board) concerning a charter school shall file a notice of appeal with the State Board of Education (State Board) and the local board within thirty days after the local board's decision. Actions of a local board which unilaterally impose conditions that are unacceptable to the charter school or the charter applicant are subject to appeal.

2. Within 30 days after denial, non-renewal, or revocation of a charter by the local board, the parties may file a notice of facilitation with the State Board. Facilitation shall be in lieu of a first appeal to the State Board of Education.

3. If neither a notice of appeal nor a notice of facilitation is received by the State Board and local board within 30 days after the local board's first decision concerning a charter school, all rights to appeal are forfeited.

B. NOTICE OF APPEAL OR FACILITATION

1. A notice of appeal or facilitation shall identify all parties involved in the proceeding before the local board, including the charter applicant and the school district.

   a. Notice of appeal A notice of appeal shall contain the grounds

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for the appeal; the facts and information which support the appeal; the written findings of the local board; names, addresses, and phone numbers of the appellants; and the requested remedies. If the appeal is of a denial, a non-renewal, or revocation of a charter, the appellant shall limit the grounds of appeal to the grounds for denial specified by the local board.

b. Notice of facilitation A notice of facilitation shall include the names, addresses and phone numbers of the parties, and the proposed name of the school.

2. Fifteen copies of the notice and all subsequent documents and evidence throughout the proceedings shall be sent to the Colorado State Board of Education, 201 East Colfax Avenue, Room 506, Denver, Colorado 80203. One copy of all documents and evidence sent to the State Board throughout the appeal process shall also be sent to the local board. The notice of appeal or facilitation must be received by the State Board and all affected parties within thirty days after the local board's decision. The State Board will not accept facsimile transmissions of a notice of appeal or facilitation, nor of any documents or evidence throughout the appeal process.

C. PROCESSING NOTICES OF APPEAL, MOTIONS TO REVIEW, AND PUBLIC HEARINGS

1. Within 10 business days of receipt of the notice of appeal, the affected parties shall be notified in writing if the appeal is accepted or rejected by the State Board. The appeal will be accepted if it meets the legal standards set forth in the Act, is timely, and is within the jurisdiction of the State Board.

2. If the State Board accepts the appeal, it shall conduct a hearing and issue a decision within sixty days of the date upon which the notice of appeal is received. The notification sent to the parties shall include the date, time, and location of the public hearing to be held regarding the appeal. Additionally, public notice of the hearing shall be made in the same manner as public notice of the State Board's regularly scheduled meetings. Further the State Board shall give public notice in the community where the public hearing is to be held.

3. The appeal process may be initiated by the State Board upon its own motion at any time. If the State Board moves to review a local board decision regarding charter schools, the State Board shall notify all affected parties of the reasons for the review, of the date, time and location of the public hearing, and shall require pertinent

information to be submitted from the affected parties. A decision on the State Board's own motion to review a charter school shall be rendered within sixty days of the making of a motion to review by the State Board.

4. In any appeal, each party shall submit to the State Board and the other parties written arguments and information limited to the specific grounds for the appeal on or before the tenth business day preceding the public hearing. The State Board may refuse to consider documents not submitted to the other parties in a timely manner, and will not consider information that does not relate to the specific grounds of the appeal.

5. Except by permission of the State Board, written arguments and information shall not exceed 20 pages exclusive of the addendum. Written arguments and information may be produced by any duplicating or copying process which produces a clear black image on white paper. All written arguments and information shall be on 8.5 X 11 inch paper, with double spacing between each line of text, except quoted material and footnotes, and bound at the top left corner. Typewritten text, including footnotes must be no smaller than 10-pitch spacing, and there must be no more than 26 lines of text per page. Margins shall be no less than 1 inch at the top, bottom, left, and right.

6. Except by permission of the State Board, the addendum to the written arguments and information shall be limited to the actual charter application presented to the local board and the written record of the local board's action.

7. Any document submitted as part of the addendum must be accompanied by affidavit attesting that the document is the original or a true and correct copy.

8. All motions, including motions to exceed page limitations or to submit additional items in the addendum, shall be filed no later than ten days before the briefs are due.

9. The Director for State Board Relations may refuse to accept any written arguments and information which do not comply with the above policies.

10. Because the American legal system places the burden of proof on the party which alleges that an action is incorrect, the burden of proof shall be on the appellant. By filing the appeal, the appellant has alleged that the local board has acted incorrectly.

11. At the hearing, each party shall have a maximum of thirty minutes

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to summarize and clarify the written arguments and information previously presented to the State Board. The first five minutes shall consist of an uninterrupted presentation. The remaining twenty-five minutes shall consist of questions by the State Board and rebuttal of the other party's presentation. The State Board may interrupt the rebuttal with questions.

12. At the beginning of the hearing, each party shall designate the amount of time it wishes to reserve for rebuttal. Any time not reserved for rebuttal shall be part of the State Board's question period.

13. The hearing shall proceed as follows:

    a. The appellant shall present its five-minute uninterrupted presentation.
    b. The State Board shall ask questions of the appellant.
    c. The appellee shall present its five-minute uninterrupted presentation.
    d. The State Board shall ask questions of the appellee.
    e. The appellant shall present its rebuttal.
    f. The appellee shall present its rebuttal.
    g. The State Board shall deliberate and render its decision.

14. Public record shall be kept of the hearing.

D. APPEALS AND REVIEWS RELATING TO THE DENIAL OF A CHARTER APPLICATION OR THE REFUSAL TO RENEW OR THE DECISION TO REVOKE A CHARTER OR THE UNILATERAL IMPOSITION OF CONDITIONS ON A CHARTER SCHOOL APPLICANT

1. If the State Board finds that the local board's decision: a) to deny an application; b) to refuse to renew; c) to revoke a charter; or d) to unilaterally impose conditions that are unacceptable to the charter school or the charter school applicant; was in the best interests of the pupils, school district or community, the State Board shall uphold the local board's decision. If the State Board finds that the local board's decision was contrary to the best interests of the pupils, school district, or community, the State Board shall remand such decision to the local board with written instructions for reconsideration thereof. The State Board's instructions shall include specific recommendations related to the grounds for appeal which the State Board finds shall be reconsidered by the local board.

2. If, after a remand and subsequent decision of the local board or a failure of facilitation and subsequent final decision of a local board, a party chooses to appeal a denial of an application, a refusal to renew,

a decision to revoke a charter, or the unilateral imposition of conditions that are unacceptable to the charter school or the charter school applicant, any notice of appeal must be filed with the State Board within thirty days following such decision. Within five business days of the receipt of the notice of appeal, the affected parties shall be notified in writing if the appeal is accepted or rejected by the State Board. The appeal will be accepted if it meets the legal standards set forth in the Act, is timely, and is within the jurisdiction of the State Board.

3. If the State Board accepts the appeal, it shall conduct a hearing and issue a decision within thirty days of the date upon which the notice of appeal is received. The notification sent to the parties shall include the date, time, and location of the public hearing to be held regarding the appeal. Additionally, public notice shall be made in the same manner as public notice of the State Board's regularly scheduled meetings. Further, the State Board shall give public notice in the community where the public hearing is to be held.

4. The hearing of an appeal after remand or after a decision following the failure of facilitation will be conducted in the same manner as the hearing of an initial appeal with the exception that the parties are required to file all documents with the State Board, and other parties, five business days before the scheduled hearing.

5. Upon appeal after remand or after a decision following the failure of facilitation, if the State Board finds that the local board's decision to deny an application, to refuse to renew, to revoke a charter, or to unilaterally impose conditions that are unacceptable to the charter school or the charter school applicant was in the best interests of the pupils, school district or community, the State Board shall uphold the local board's decision. The decision of the State Board shall be a final agency action.

6. Upon appeal after remand or after a decision following the failure of facilitation, if the State Board finds that the local board's decision was contrary to the best interests of the pupils, school district, or community, the State Board shall remand such decision to the local board, the second time with instructions to approve the application, to renew or reinstate the charter or to withdraw all or part of the unilaterally imposed conditions and approve, renew, or reinstate the charter. The decision of the State Board constitutes a final agency action.

E. APPEALS AND REVIEWS RELATING TO LOCAL BOARD APPROVALS OF CHARTER APPLICATIONS

1. If the State Board determines that the decision of the local board to approve the charter application was not arbitrary and capricious or

   the establishment of the proposed charter does not:

   a. violate any federal or state laws concerning civil rights;
   b. violate any court order;
   c. threaten the health and safety of pupils in the school district;
   d. violate the provisions of section 22-30.5-109(2), C.R.S., prescribing the permissible number of charter schools;
   e. violate the equitable distribution of charter schools among school districts;

   then the State Board shall uphold the decision of the local board. The decision of the State Board shall be final and not subject to appeal.

2. If the State Board determines that the decision of the local board to approve the charter application was arbitrary and capricious or the establishment or operation of the charter school:

   a. violates any federal or state laws concerning civil rights;
   b. violates any court order;
   c. threatens the health and safety of pupils in the school district;
   d. violates the provisions of section 22-30.5-109(2), C.R.S., prescribing the permissible number of charter schools;
   e. is inconsistent with the equitable distribution of charter schools among school districts;

   then the State Board shall remand such decision to the local board with instructions to deny the charter application. The decision of the State Board shall be a final agency action.

F. ISSUANCE OF STATE BOARD OF EDUCATION DECISIONS

1. As required under the Charter Schools Act, the written decision of the State Board will be issued within 60 days of receipt of an appeal. In the case of an appeal of a remand or a failure of facilitation and subsequent final decision of a local board, the State Board will render a decision within 30 days. The parties by mutual agreement may extend the period of time within which the State Board will issue its decision.

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G. EXTENSION OF PROCEDURAL TIMELINES

1. Once the State Board accepts an appeal, the parties may mutually request an extension of the procedural timelines. It is within the discretion of the State Board to grant or deny the request.

H. REVIEW OF CHARTER APPLICATIONS ON ITS OWN MOTION

1. The State Board, upon its own motion, may review the decisions of local boards concerning charter schools at any time. The State Board's motion to review will be processed in accordance with these guidelines.

I. CHARTER SCHOOL WAIVERS

1. If waivers are imbedded in a charter, the applicant and local board must jointly file a separate waiver request with the State Board following the approval of the charter. The process required when seeking a State Board waiver of statute and/or rule is outlined in 22-2-117, *Colorado Revised Statutes*, and *Colorado Code of Regulations,* 1 CCR 301-35. The applicant and local board shall send charter school waiver requests to the Colorado Department of Education, Charter Schools, c/o Regional Services, 201 East Colfax Avenue, Denver, Colorado 80203.

J. CHARTER SCHOOL CONTRACTS

1. Within 15 days following approval, a local board of education shall send a copy of each charter school contract to the Colorado Department of Education, Charter Schools, c/o Regional Services, 201 East Colfax Avenue, Denver, Colorado 80203.

Adopted September 12, 1996

Colorado Department of Education
Standards & Assessment Resource Bank on CD-ROM
Order Form – Version 2.5

To order your copy of the Resource Bank on CD-ROM, complete the order form below and *mail with your check* for $15.00 per copy (payable to Colorado Department of Education) to:

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201 East Colfax Avenue, Room 106
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WWW: http://www.cde.state.co.us/stand.htm

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(3/98)

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APPENDIX G

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Emphasis *indicates initial school year of assessment*

School Year	Fall Assessments	Spring Assessments
1996-97		*4th Grade Reading & Writing*
1997-98		*3rd Grade Reading* 4th Grade Reading & Writing
1998-99		*7th Grade Reading & Writing* 3rd Grade Reading 4th Grade Reading & Writing
1999-00	*5th Grade Math*	*8th Grade Math and Science* 7th Grade Reading & Writing 3rd Grade Reading 4th Grade Reading & Writing
2000-01	5th Grade Math	*10th Grade Math, Reading & Writing* 8th Grade Math and Science 7th Grade Reading & Writing 3rd Grade Reading 4th Grade Reading & Writing

The 2000-01 school year schedule will continue over the following years, and defines the permanent assessment schedule.

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UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON, D.C. 20202-

AUG 10 1998

RECEIVED
COMMISSIONER
AUG 18 1998
EDUCATION

MEMORANDUM

To : Chief State School Officers

From : Gerald N. Tirozzi Gerald N. Tirozzi
Assistant Secretary
Office of Elementary and Secondary Education

Patricia W. McNeil Patricia W. McNeil
Assistant Secretary
Office of Vocational and Adult Education

Judith Heumann Curtis L. Richards for
Assistant Secretary
Office of Special Education and Rehabilitative Services

Delia Pompa Delia Pompa
Director
Office of Bilingual and Minority Languages Affairs

Subject: Allocation of State-administered Federal Education Funds to Public Charter Schools

A growing number of States have enacted legislation authorizing the establishment of public charter schools. Usually, this legislation recognizes charter schools as (1) separate local educational agencies (LEAs) or (2) public schools within an LEA. As such, public charter schools are eligible to receive Federal education funds on the same basis as other LEAs or public schools. The purpose of this memorandum is to remind your State and its LEAs of their responsibility to ensure full and fair treatment of public charter schools in State-administered Federal education programs. We are attaching a list of applicable programs for your convenience.

In general, when allocating Federal education funds, State educational agencies (SEAs) and LEAs must treat public charter schools in a manner consistent with applicable statutes and regulations and take all reasonable steps to ensure that public charter schools receive the full allocations for which they are eligible. In a State that considers public charter schools to be

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LEAs, the SEA must treat those public charter schools like other LEAs in the State when determining LEA eligibility and allocations. Similarly, if a State considers public charter schools to be public schools within an LEA, an LEA must treat its public charter schools like other public schools in providing Federal funds and federally funded services.

To aid in making these determinations, an SEA or LEA should provide timely information to public charter schools (and potential public charter schools planning to open in an upcoming school year) about Federal education programs. In particular, charter schools should be informed of any eligibility, application, and allocation procedures so that the public charter schools can provide the necessary data for the SEA or LEA to carry out its responsibilities. Given that new public charter schools often operate under varying time frames with respect to enrolling students, SEAs and LEAs should work to accommodate this situation. For example, enrollment data on which to make eligibility and allocation decisions may need to be collected at a different time for charter schools or the timing of allocations for those schools may need to be adjusted. The Department strongly encourages SEAs and LEAs to use available flexibility to ensure that eligible public charter schools receive their fair share of Federal funds in the first year of a school's operation.

The Department recently issued detailed guidance on allocations to public charter schools under Part A of Title I of the Elementary and Secondary Education Act. The Department also recently issued final regulations for preschool programs under the Individuals with Disabilities Education Act to ensure that public charter school LEAs receive "base payment" allocations. We are considering issuing further guidance on other major Federal education programs in the near future. In the meantime, we urge you to ensure full and fair treatment of public charter schools when allocating Federal education funds for the 1998-99 school year.

If you have any questions concerning allocating Federal education funds to eligible charter schools, please do not hesitate to contact Leslie Hankerson ((202) 205-8524; E-mail--Leslie_Hankerson@ed.gov) in the Office of Elementary and Secondary Education, who will direct your inquiry to the appropriate program office.

STATE-ADMINISTERED PROGRAMS[1]

Program	Subgrant Recipients		Subgrant Program Type		
	LEAs	Other Entities	Formula	Competitive	Flexible
Title I, Part A, Elementary and Secondary Education Act (ESEA)	X		X		
Comprehensive School Reform Demonstration Program (Title I, §1502, ESEA; Title X, Part A, ESEA)	X			X	
Even Start Family Literacy (Title I, Part B, ESEA)	X[2]	X		X	
Eisenhower Professional Development (Title II, ESEA) -					
LEA program	X		X		
Higher ed. program		X[3]		X	
Technology Literacy Challenge Fund (Title III, ESEA)	X			X	
Safe and Drug-Free Schools and Communities (Title IV, ESEA)					
Local program	X		X		
Governor's program	X	X			X
Innovative Education Program Strategies (Title VI, ESEA)	X		X		
Emergency Immigrant Education (Title VII, Part C, ESEA)	X		X		X
Homeless Children and Youth Assistance (McKinney Act)	X			X	
Goals 2000 (Title III, Goals 2000: Educate America Act)	X			X	

Program	Subgrant Recipients		Subgrant Program Type		
	LEAs	Other Entities	Formula	Competitive	Flexible
Individuals with Disabilities Education Act (IDEA, Part B)	X		X		
Adult Education and Family Literacy Act	X	X		X	
Single Parents, Displaced Homemakers, and Single Pregnant Women programs; Sex Equity programs (Title II, Part B, Perkins Act)	X	X		X	
Secondary School Vocational Education program (Title II, Part C, Perkins Act)	X	X	X		
Tech-Prep Education program (Title III, Part E, Perkins Act)	X[4]	X			X

---

[1] The following programs are not included because the State educational agency (SEA) or another State agency is authorized to provide all program services directly:

Migrant Education Program (Title I, Part C, ESEA);
State Agency Program for Neglected or Delinquent Children (Title I, Part D, ESEA)
State Vocational Rehabilitation Services Program (Title I, Rehabilitation Act);
Early Intervention Program for Infants and Toddlers with Disabilities (IDEA, Part C)

If an SEA chooses to subgrant funds to LEAs, however, eligible public charter schools should be treated as other eligible LEAs or schools.

[2] Eligible recipients in this program are partnerships that must include an LEA and one or more other entities.

[3] Institutions of Higher Education (IHEs) and nonprofit organizations are eligible subgrantees, provided they work in collaboration with one or more LEAs or schools.

[4] Eligible entities are partnerships of (1) LEAs, Intermediate Educational Agencies, Area Vocational Education Schools, and/or BIA schools; and (2) IHEs or proprietary schools.

SUMMARY OF BILLS IMPACTING THE COLORADO BASIC LITERACY ACT

H.B. 96-1139: Colorado Basic Literacy Act

This Act mandates that all students will be reading on the third grade level by the end of third grade and before they can move on to a fourth grade reading class. This Act requires that the reading growth of all students be monitored carefully from kindergarten through third grade. Those students not reading on that grade level will be placed on Individual Literacy Plans (ILPs), which are developed with the school and the family. (See Appendix for the law.)

District responsibilities include:

1. Assessing the reading performance of all students
2. Placing students on ILPs if students are not reading on grade level
3. Reporting to the state:
   a. the number and percentage of pupils enrolled in the third grade who read at or are above their grade level.
   b. the number and percentage of pupils enrolled in the district who are on ILPs.
   c. the number and percentage of pupils who have increased their literacy and reading comprehension levels by two or more grades during one year of instruction.

Other related Colorado State Board of Education-approved documents include:

The Rules and Regulations for H.B. 96-1139 (See Appendix B Page 75)
The rules and regulations clarify:
- proficiencies for readers K-3.
- requirements for selection of reading assessments.

List of approved reading assessments for 3rd grade (See Page 9)
Note: This is not an exhaustive list; instead, it is a framework for making decisions about selecting reading assessments and examples of assessments that will work.

H.B. 97-1249

This bill requires a state reading test for all third graders.

Note: The state reading test was developed by CTB-McGraw Hill under the direction of CDE. Committees of community members and educators examined the test for bias, accuracy, and alignment to the reading proficiencies as stated in the Rules and Regulations for H.B. 96-1139. The first 3rd grade state reading test was administered March, 1998.

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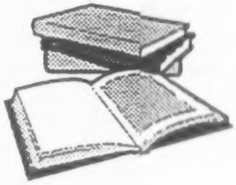

PART II: BUILDING A DISTRICT LITERACY PLAN

INTRODUCTION

"It takes a village to raise a child" an old proverb reminds us. It also takes a village to ensure that all students are proficient readers. The family, district, school, and teacher all contribute to the success of learners. Therefore, it is imperative that as plans are developed for implementing the Colorado Basic Literacy Act, the entire village is taken into consideration. One role of the district is to build the vision for literacy and provide the resources for making this vision a reality. Schools, teachers, and families are responsibile for creating the best conditions possible for all students to read well. Through communication between the school and the family, the entire village can strive to ensure that literacy is valued in both the classroom and the front room.

Part II is filled with suggestions for building a literacy plan. It begins with a Continuum of Reading Services, developed by the Colorado Department of Education. The continuum provides a framework that suggests an array of services districts could offer in order to meet the literacy needs of all students. Following this brief discussion is a suggested outline for the district design of a literacy plan and a list of possible actions that districts, schools, teachers, and families might incorporate into literacy plans. Part II concludes with a reminder of the best practices in reading, which should serve as a foundation for all literacy work.

CONTINUUM OF READING SERVICES

Background

As Colorado schools develop plans that ensure all students can meet high literacy standards, it will be important to consider how to provide sufficient instructional supports for all. A Continuum of Reading (figure on page 12) depicts an array of services schools may offer to provide a balanced approach to literacy. The critical skills that comprise reading are listed across the top of the funnel. Those skills listed under "Using Cueing Systems" and "Understanding Text" are key components of competency in the Colorado Basic Literacy Act.

The funnel shape depicts the concept that some students have more difficulty acquiring reading skills and then may need more specialized instruction. This requires an enriched learning environment and extended learning time including tailored pace, smaller groups, more time and rigor. As the need for intensity increases, so does the need for individualization. However, if a variety of approaches and supports are in place in the general classroom, there should be fewer students in need of these intense levels of support. Some students will need individualized literacy plans while others, who have greater challenges and face more obstacles, may need I.E.P.'s and supports of special education.

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In order to meet the needs of students for different levels of support to learn to read, a building may design an array of literacy options. Each classroom is set up to offer strategies and techniques proven to facilitate reading, such as shared book experiences, direct instruction in specific skills, guided reading, and individualized reading. Community volunteers and paraprofessionals are valuable supports to classroom teachers in offering these options. In addition, Title I teachers, speech language pathologists, and special education teachers may work collaboratively with general education teachers to provide needed supports.

For students who need more intensity, schools may set up additional resources drawing from such research-based approaches as literacy labs, Accelerated Reading, Success for All, Reading Recovery, taped books, or CLIP. These may be offered in a separate room or a quiet corner where children work one-to-one or in small groups on very specific skills. Again, Title I teachers and special educators are helpful in designing and implementing these options.

Some students need very intense approaches to learning to read; for them a multisensory reading approach including prereading and emergent reading skills such as phonemic awareness and the alphabetic code is often successful. Although the focus may be on specific skills, there is always an emphasis on using the skills in authentic texts. This approach may be offered by a special education teacher who collaborates with a Title I teacher or general educator to provide these approaches to any child who needs it. Or the special educator may work very closely and intently with a small group of students until they gain the necessary prerequisite skills needed to profit from other reading instruction.

Children should be able to move quickly and easily from one type of support to another, based on their need and not their label. Teachers should be available to offer each type of the supports, and decisions should be made based on children's skills, interests, and needs. Each of the approaches should incorporate a variety of instructional strategies focused on all of the needed skills that comprise literacy.

Thus, through a system of ever-increasing support and intensity for students, it is possible to develop collaborative, flexible supports for literacy acquisition of all students.

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The following is the official version of House Bill 96-1139
as found in the Colorado School Laws 1997 handbook
(page 104, Section 22-7-501 through 505).

COLORADO BASIC LITERACY ACT

22-7-501. Short Title.

This part 5 shall be known and may be cited as the "Colorado Basic Literacy Act".

22-7-502. Legislative declaration.

The general assembly hereby finds and declares that all pupils can succeed in school if they have the basic skills in reading and writing that are appropriate for their grade levels. The general assembly further finds and declares that, for success in school, reading is the most important skill, closely followed by writing and mathematics. Accordingly, it is the obligation of the general assembly, the department of education, school districts, schools, educators, and parents or legal guardians to provide pupils with the literacy skills essential for success in school and life. It is the intent of the general assembly that, after completion of the third grade, no pupil may be placed at a grade level or other level of schooling that requires literacy skills not yet acquired by the pupil.

22-7-503. Definitions.

As used in this part 5, unless the context otherwise requires:

(1) "Individual literacy plan" means an individual literacy plan formulated for a pupil pursuant to section 22-7-504 (3).
(2) "School district" means a school district organized pursuant to law.
(3) "State board" means the state board of education.

22-7-504. Pupil assessments - individual literacy plans.

(1) The state board shall determine the satisfactory reading readiness level for kindergarten pupils and literacy and reading comprehension levels for pupils in first, second, and third grades. No later than December 1, 1997, the state board shall, after consultation with the state standards and assessments development and implementation council created in section 22-7-404, approve and identify to each school district instruments for assessing the reading readiness of each pupil in kindergarten and the literacy and reading comprehension level of each pupil in first, second, or third grade. The state board shall promulgate rules to permit exceptions to the retention of pupils in third grade pursuant to paragraph (a) of subsection (5) of this section in cases that have special circumstances.

(2) Using the assessment instruments approved and identified by the state board pursuant to subsection (1) of this section, and beginning no later than the 1998-99 school year, each school district shall annually assess the reading readiness or literacy and reading comprehension level of each pupil enrolled in kindergarten or first, second, or third grade. The assessment may be done in conjunction with assessments of the pupil's performance on the reading content standard pursuant to part 4 of this article.

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22-7-504. Pupil assessments - individual literacy plans (ILPs cont.)

(3) If a pupil's reading readiness or literacy and reading comprehension, as measured by the assessment, is below the level established by the state board for pupils at that grade, the pupil's school administration shall formulate an individual literacy plan for the pupil. For compliance with this section, a literacy plan may be incorporated into the individual education plan for special education students. The plan shall include, but need not be limited to, the following:

(a) Sufficient in-school instructional time for the development of the pupil's reading readiness or literacy and reading comprehension skills;
(b) An agreement by the pupil's parents or legal guardian to implement a home reading program to support and coordinate with the school; and
(c) If necessary, placement of the pupil in a summer reading tutorial program.

(4) The school district shall reassess each pupil's progress in the individual literacy plan each semester. The plan shall continue until the pupil is reading at or above grade level.

(5) (a) In no case shall a school district permit a pupil to pass from the third grade to the fourth grade for reading classes unless the pupil is assessed as reading at or above the reading comprehension level established by the state board.
(b) Paragraph (a) of this subsection (5) does not apply to children with disabilities, as defined in section 22-20-103 (1.5), when the disability is a substantial cause for a pupil's inability to read and comprehend at grade level.
(c) Notwithstanding the provisions of paragraph (a) of this subsection (5), a school district may allow a pupil to pass from the third grade to the fourth grade under rules promulgated by the state board pursuant to subsection (1) of this section.

(6) The resource bank, created pursuant to section 22-7-406 (5), shall include in its model programs of instruction reading readiness, literacy, and reading comprehension programs collected from school districts and organizations in the state and throughout the nation that have been proven to be successful. A school district may request technical assistance from the state board and the department of education in selecting and adapting a literacy program in the resource bank for use in the school district.

22-7-505. School district responsibilities and incentives.

(1) Each school district shall annually report to the department of education:

(a) The number and percentage of pupils enrolled in the third grade in the school district who read at or above the third grade level;
(b) The number and percentage of pupils enrolled in the school district who chave an individual literacy plan;
(c) The number and percentage of pupils enrolled in the school district who have increased their literacy and reading comprehension levels by two or more grades during one year of instruction.

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